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stract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, lcutta, on Tuesday, the 3rd February, 1920, at 11 A.M.

Present:

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR CHARLES STEVENSON-MOORE, K.C.I.E., C.V.O.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. F. J. MONAHAN.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble MR. S. W. GOODE.

The Hon'ble IHTISHAM-UL-MULK RAIS-ED-DAULA AMIR-UL-OMRAH NAWAB SIR ASIF QADR SAIYID WASIF 'ALI MIRZA KHAN BAHADUR MAHABAT JANG, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. M. CATHCART.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

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The Hon'ble MR. R. M. WATSON SMYTH.

The Hon'ble MR. W. O. GRAZEBROOK, C.B.E.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MR. H. R. A. IRWIN, C.I.E.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

LIST OF BUSINESS—ITEM No. 1.

OATH OF ALLEGIANCE.

The Hon'ble Mr. Cathcart and the Hon'ble Mr. Grazebrook made an oath of their allegiance to the Crown.

LIST OF BUSINESS—ITEM No. 2.

STARRED QUESTIONS.

The following questions which had been starred were put and answered :—

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***1.**

(*a*) Are the Government aware that the teachers of the Lower Primary and Upper Primary Schools in the district of Rajshahi are put to hardship on account of the unnecessarily long delay which occurs in paying their stipends regularly every month? Payn stipe teach Lowe and U Prim.

(*b*) Is this the case in other districts of Bengal?

(*c*) Under what system are the stipends now paid?

(*d*) How many primary schools are under the control and supervision of each Sub-Inspector of Schools, and what control and supervision do the district boards exercise over these schools?

(*e*) Is there any reason why stipends could not be paid by the Sub-Inspectors directly on the bills submitted to them by the teachers within the first week of every month?

(*f*) Are all the Sub-Inspectors of Primary Schools bound to act under the direction and control of Deputy Inspectors of Schools?

(*g*) If so, in what particular matters are the Sub-Inspectors subordinate to the district boards?

(*h*) Is there any reason why the district boards should not have their own Sub-Inspectors to act under their direct control and supervision?

(*i*) Is any inconvenience felt under the present system of what appears to be duality of control over the Sub-Inspectors?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) The answer is in the negative Stipends in the Rajshahi district are paid quarterly to teachers of all Upper Primary and Lower Primary Schools, except the Board Primary Schools, in which they are paid monthly. The payment of stipends is delayed occasionally in the first quarter of the financial year, when the rates of stipends are revised.

(*b*) The procedure is the same in other districts of Bengal. No specific complaint regarding delay in payment has been received.

(*c*) Bills for stipends are drawn by Sub-Inspectors of Schools each quarter, and submitted to the District Board. The bills, when passed by the District Board, are presented through the treasury to the post office with money orders for the amounts due.

(*d*) A Sub-Inspector has on the average about 200 Primary Schools under his supervision. The Hon'ble Member is referred to rule 12 of the educational rules issued by Government under clauses (*j*) and (*q*) of section 138 of the Bengal Local Self-Government Act regarding Primary Schools directly managed and maintained by a Board, viz.:—

'Subject to the general control of the Department, the Board shall 'have with regard to these schools the following powers in addition to those 'conferred on it by section 62 of the Act:—

'(1) of deciding where new schools shall be opened, and the manner 'in which accommodation for them shall be provided. But no 'such school shall be opened without the sanction of the Director of Public Instruction, to be obtained through the 'Inspector;

'(2) of transferring or closing existing schools;

'(3) of fixing the class and the standard of instruction of every such 'school: the selection to be made from classes and standards 'recognized by the Department;

'(4) of fixing, subject to such limitations as may be from time to time 'prescribed by the Department, the rate of monthly admission 'and re-admission fees to be paid by pupils in every such 'school.'

In schools directly managed by the District Boards the teachers are appointed, transferred or removed by the Boards. The Education Department prescribes a curriculum and issues a list of approved books, while the inspecting officers are officers of the Department and not of the Boards; but the Department exercises no direct control over the distribution of grants by the Boards, and the latter dispose of the recommendations of the inspecting officers and may increase or reduce the grants to aided schools.

(*e*) Since Sub-Inspectors of Schools do not control District Board money, they cannot pay stipends direct on the bills presented by the teachers. A further objection to the system of monthly payment would be the increase of work which would be thrown on the Sub-Inspectors, District Boards and post-offices, while each teacher *guru* would lose an anna monthly as the money order commission is deducted from stipends.

(*f*) The answer is in the affirmative.

(*g*) The relations of Sub-Inspectors of Schools to the Chairman of a District Board are defined by the following rules:—

(*a*) Sub-Inspectors of Schools are under the direct control of the Education Department, but at the same time they are required to work in co-operation with District Boards. They must, therefore, loyally carry out the orders of the Chairman of a District Board. In the case of any difficulty or doubt arising on this subject the matter may be referred to the Director of Public Instruction through the Inspector of Schools.

(*b*) The Chairman of a District Board may suspend a Sub-Inspector in anticipation of departmental approval. In that case he should, as soon as practicable, submit a report on the case to the Inspector of Schools.

(*c*) The Chairman of a District Board may transfer a Sub-Inspector within his district, with the concurrence of the Inspector of Schools. In special cases in which urgent action is required, the Chairman may transfer a Sub-Inspector, without reference to the Inspector, but in that case he should send information without delay to the Inspector.

(*d*) The Inspector will transfer Sub-Inspectors from one district to another within his division after consulting the Chairman of the District Boards.

(*e*) Diaries and travelling allowance bills of Sub-Inspectors will be submitted to the Inspector of Schools through the Deputy Inspector and Chairman of the District Board. Diaries should be submitted in duplicate if the Chairman of the District Board desires to retain a copy.

(*f*) Character rolls of Sub-Inspectors should be submitted by the Deputy Inspector to the Inspector of Schools through the Chairman of the District Board.

(*h*) The reasons for which the present system was instituted are explained in Government Circular No. 23, dated the 6th April, 1905, of which a copy is laid on the table.

(*i*) The answer is in the negative."

Circular No. 23, dated Calcutta, the 6th April 1905, referred to in the answer to question No. 1 (starred) asked at the meeting of Council on 3rd February 1920.

From—H. W. C. CARNDUFF, Esq., C.I.E., Officiating Secretary to the Government of Bengal, General Department.

To—All Commissioners of Divisions.

I am directed to address you regarding the position occupied by Sub-Inspectors of Schools in relation to middle and primary education, and to communicate the following observations and orders of His Honour the Lieutenant-Governor on the subject.

2. The Government of India have placed at the disposal of this Government a further annual special grant of Rs. 10,00,000 for the development of primary education in Bengal. It is proposed to expend this amount on the improvement of the primary education of Muhammadans, on the establishment of rural primary schools, on the construction of buildings for primary schools, and on the strengthening of the subordinate inspecting staff of the Province; and District Boards will chiefly be benefitted by, and interested in, the expenditure. As you are aware, for years past the subordinate inspecting staff has proved to be inadequate, and the necessity for strengthening and improving it has been emphasised of recent years by the action taken in the direction of reducing the number of public examinations, insisting more upon examinations in *situ*, and generally raising educational standards. The need will be felt still more now that it is proposed to carry out further educational reforms for which the Government of India have given the special grant above referred to.

3. It is, therefore, proposed to sanction without delay the appointment of a number of additional Sub-Inspectors of Schools, and this at once raises the question how the existing subordinate inspecting staff should be dealt with. In their Resolution No. 199—211, dated the 11th March 1904, the Government of India have pointed out that the inspecting staff is the means whereby general supervision over tuitional matters may be exercised, and that the Government should look to inspecting officers for guidance and advice as to its methods; while in the same Resolution it is explained that, in withdrawing from direct management, it is essential that the Government should retain a general control by means of efficient inspection. Local bodies may, no doubt, well be entrusted with the direct management of schools; but the State ought, on the one hand, to set up a standard of its own, and on the other, to ascertain through inspection how far that standard is being attained.

4. Such a responsibility will be effectively discharged only if the State employs and depends upon officers of its own, and obviously this cannot be done unless the Sub-Inspectors hitherto employed under District Boards are transferred to, and placed under, the direct control of the Education Department. The arrangement which prevails in Bengal not only differs from that adopted elsewhere in India, but is also at variance with that in vogue in England; and, as has just been intimated in the budget speech of the Financial Secretary in the Bengal Legislative Council, it has been decided upon these grounds, as also in the interests of the Sub-Inspectors immediately concerned, (*a*) to re-transfer to the Service as soon as possible the existing body of Sub-Inspectors who were at one time Government servants, and (*b*), with the consent of the District Boards, which will, without doubt, readily be accorded, in view of the large additional

grants which they may expect to receive, to convert into Government servant Sub-Inspectors as have been appointed by the Boards. It will be necessary t a small financial adjustment with the Boards to meet these altered circumstan reducing the grant for primary education to the extent necessary to meet the and allowances of the Sub-Inspectors so absorbed in the Education Department. grade the entire staff in one cadre. I am to request that this decision may be c nicated without delay to all District Boards, in consultation with whom the D of Public Instruction will be requested to work out the necessary details.

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***II.**

Erosion of the town of Pabna by the river Padma.

(*a*) Is it a fact that representations have been made from time t to the Government by the inhabitants of the town of Pabna about the e of the Padma and the threatened destruction of the town?

(*b*) Have the Government ascertained the extent of damage to the of Pabna already caused by the Padma?

(*c*) Have the Government taken any steps, or if they have not, a Government considering the desirability of taking immediate steps f protection of the town from any further ravages by the Padma?

(*d*) If the answers to clause (*c*) are in the negative, will the Gover be pleased to state the reasons for their inactivity in this matter?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) The town itself has not suffered damage at present; but encr ment has been made on certain hamlets and agricultural land in the bourhood of the town. The extent of the encroachment has been ascert

(*c*) Government have decided to construct a short length of prot revetment at a point on the river bank a little distance above the town w it is hoped, may have the effect of diverting the main current of the outwards on the southern bank and thereby cause scour on that sid avert the erosive tendency of the river opposite the town

The proposed work is estimated to cost Rs. 2,60,000; and it is int to complete the revetment before the coming flood season.

(*d*) The question does not arise."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***III.**

Recommendations of the Public Services Commission in regard to Deputy Superintendents of Police.

Will the Government be pleased to state whether the recommenda of the Public Services Commission with regard to Deputy Superinten of Police are likely to be given effect to at an early date?

Answer by the Hon'ble Mr. Stephenson:—

"The Bengal Government have submitted to the Government of their views on the recommendations of the Public Services Commi relating to Deputy Superintendents of Police. The orders of the Secr of State, who will determine what action should be taken, are awaited

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***IV.**

(*a*) Is it a fact that the District Board and Municipal accounts are now audited by a system known as test audit, *i.e.* accounts of any 4 months are audited, and that this is even done within a time limited by the department? Audit system of District and Municipal accounts.

(*b*) Is it a fact that the system of thorough auditing prevailed only a few years ago?

(*c*) Will the Government be pleased to state what are the reasons for this change in the audit system?

(*d*) Are the Government aware of an opinion that has been expressed that this system of test audit cannot give thoroughness which is essential in District Board and Municipal accounts?

(*e*) Are the Government considering the desirability of reintroducing the system of thorough audit?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) to (*e*) Government are fully alive to the necessity for a thorough audit of the accounts of District Boards and Municipalities in order to detect and check laxity of supervision, dishonesty on the part of their executive staff and neglect of statutory rules as well as embezzlements and misappropriation of money. The accounts of these local bodies are audited for the whole year, but since 1916 there has been a test audit of payment vouchers for only four months of the year. The change was made as with the existing staff it was found to be impossible to audit the vouchers for the whole twelve months without work falling into arrears. A stringent test audit of vouchers is an efficient method of audit and has certain advantages over a full routine audit. No complaints have been made by the local bodies against the system and the efficiency of audit has not been impaired."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***V.**

(*a*) Has the attention of the Government been drawn to the following paragraph which appeared in a letter from Sir Leonard Rogers in the issue of the Scientific Journal "Nature" of the 25th September last? Experiments on patient in hospitals.

"With one exception, the cases in which I tried the gum solution were rather below the average severity, as is commonly the case in the rainy season, when the trial took place, yet several were lost which I should have expected to have recovered under hypertonic salines. Still more striking was the fact that instead of the great relief often resulting in sleep before the hypertonic saline injection is finished, the gum solutions were followed by increasing distress, difficulty of breathing, and cyanosis which soon compelled me to abandon their use. In view of the shortness of my trial, I decided not to publish my results at once, in the hope that others might be more successful; but I have now learned that my friend, Lieutenant-Colonel A. Leventon, I.M.S., has extensively tried gum solutions in accordance with Professor Bayliss's method at the Campbell Medical School Hospital, Calcutta, where well over one thousand cases have been treated in the first half of this year and Lieutenant-Colonel A. Leventon has authorised me to state, with various strengths of the purest gum arabic up to 7 per cent. his results have been in entire agreement with mine, and he has also had to abandon the method. He, too, noted the same distress and cyanosis which I saw, and the unexpected loss of not very serious cases under the treatment, clearly indicating that gum solutions do not meet the physiological needs of cholera cases."

(*b*) Will the Government be pleased to state how many lives were actually lost through the experiments referred to above?

(*c*) Are the Government aware that there is an apprehension in the public mind that deaths are caused through risky experiments being performed on the patients in hospitals?

(*d*) Will the Government be pleased to state what steps, if any, they have in contemplation to prevent a repetition of such dangerous and risky experiments?

Answer by the Hon'ble Mr. Marr:—

" (*a*) to (*d*) The attention of Government has been drawn to the letter in question, which was quoted in an anonymous communication to a non-medical journal, with the apparent intention of conveying an entirely erroneous impression as to the facts.

The particular treatment referred to was proved by an eminent English physiologist, Professor W. M. Bayliss, D.SC., F.R.S., to be of life-saving value in cases of shock due to loss of blood, and its trial in cholera cases was recommended by him in the medical press. It was tried by Lieutenant-Colonel Sir Leonard Rogers, in addition to the hypertonic saline treatment associated with his name (which has yielded such admirable results) in seven cases, and by Lieutenant-Colonel Leventon in five. Of these twelve cases, two were practically moribund on admission; of the remainder, two are described as 'of more than average severity,' six as 'much collapsed' and two as 'very severe.' Of these ten cases, four were saved and six ended fatally. It is incorrect to insinuate that the mortality was enhanced by the adoption of Professor Bayliss' treatment. The latter was a failure in the sense that it did not lead to an additional saving of life over and above that attributable to the hypertonic treatment alone.

The insinuation in the letter in question to the effect that lives are wantonly sacrificed in hospitals which people avoid as places to which they only go to die, is entirely disproved by the ever increasing attendance of patients and the wonderful results which have been attained in the reduction of mortality from certain diseases, conspicuously cholera. The insinuation is grossly unfair to the devoted labours of many of the medical officers of Government.

It is not proposed to take any further action in the matter."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***VI.**

(*a*) Will the Government be pleased to state the number of hackney-carriages registered since the removal of the Hackney-carriage Department from the Calcutta Corporation to the Commissioner of Police?

(*b*) What was the number of registrations when the department was under the control of the Corporation?

(*c*) Are the Government aware of the shortage of hackney-carriages in the town?

(*d*) Will the Government be pleased to state the number of hackney-carriages which have ceased to exist, and the number which have been discontinued since the transfer of the Hackney-carriage Department to the Police?

(*e*) Are the Government aware of the fact that the Corporation used depute two Inspectors of hackney-carriages daily—one to Howrah and other to Sealdah Station to assist the public in securing carriages?

(*f*) Will the Government be pleased to state whether this practice is ll continued? If not, why not?

iswer by the Hon'ble Mr. Stephenson:—

" (*a*) The number of hackney carriages registered from the 15th July, 19, when the Department was taken over by the Commissioner of Police, the 21st January, 1920, is 1,561, viz.—

1st class	306
2nd class	862
3rd class	393

(*b*) The number was 2,708 on the 15th July, 1919, viz —

1st class	373
2nd class	1,426
3rd class	909

(*c*) Yes. Many hackney carriages which were found unfit for public are now under repairs

(*d*) Licenses issued by the Corporation of Calcutta under the old Act sed to be in force after the 30th September, 1919. Precise information o the number which have been discontinued since the transfer of the control the police cannot be given until the present registration is completed om the 15th July, 1919, to the 30th July, 1919, thirty-nine licenses were celled

(*e*) Yes.

(*f*) The new Act is not at present in force in the town of Howrah The nmissioner of Police, Calcutta, is unable at present to depute an officer Sealdah from his limited staff "

the Hon'ble Rai Radha Charan Pal Bahadur:—

VII.

Increase of the scale of pay of the lower division clerks of the Secretariat

(*a*) Is it a fact that a time scale of pay has recently been introduced in Lower Division of the Bengal Secretariat?

(*b*) What are the maximum and minimum rates of pay and the rate of ement per annum?

(*c*) Has the pay of each clerk been fixed according to the number of rs he has been in the service of Government?

(*d*) Is it a fact that many clerks have not benefited under this time e as their past services have not been counted so as to enable them to e the full benefit of the scheme?

(*e*) Is it a fact that a time scale of pay has recently been sanctioned in Lower Grade for the Accounts Offices, viz., the offices of the Accountant-eral, Bengal, Accountant-General, Posts and Telegraphs; and Deputy ountant-General, Posts and Telegraphs?

(*f*) If so, will the Government be pleased to state what are the rates of sanctioned in these offices and their maximum limit of increment narily?

(*g*) Is it a fact that the work required of clerks in these offices in the Lower Grade is more onerous and responsible than that of the Bengal Secretariat in the same grade?

(*h*) Is it a fact that there was a paucity of candidates for the last Secretariat Clerkship Examination? If so, will the Government be pleased to state the reason for it?

(*i*) Will the Government be pleased to state the number of vacancies in the Lower Grade for the years 1917 and 1918 both in the Secretariat and the Accountant-General's Offices which were thrown open to competition and the number of candidates who appeared at the Competitive Examination?

Answer by the Hon'ble Mr. Marr:—

" (*a*) Yes.

(*b*) Maximum Rs. 125.

Minimum Rs. 50.

Rate of increment per annum Rs 3.

(*c*) Yes.

(*d*) 'In all cases, except two, past services have been counted so as to give them the full benefit of the scheme. In these two cases, service before they entered the Secretariat has not been allowed to count.'

(*e*), (*f*) and (*g*) The information is being obtained from the offices mentioned.

(*h*) No. There were 136 candidates for 31 vacancies.

(*i*) In 1917 there were 19 candidates for 10 vacancies in the Secretariat and in 1918, 16 candidates for 7 vacancies. Similar information regarding the Accountant-General's office is being obtained "

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***VIII.**

Discontinuance of the sale of ferry tickets by the Port Commissioners over certain routes.

(*a*) Are the Government aware of the fact that considerable inconvenience has been caused to the residents of Baranagore, Bally, Uttarpara and Sibtolla owing to the discontinuance of the sale of tickets by the Port Commissioners for their ferry service north of Howrah Bridge between Kalighat and Sibtolla?

(*b*) Will the Government be pleased to state whether in this connection they have received any representation or memorial from the residents of the localities mentioned above?

(*c*) Are the Government considering the desirability of taking any measures for removing or mitigating the hardships and inconveniences of the said residents, either by amending section 35 (7 A) of the Calcutta Port Act, 1890, or by extending the northern limits of the Port?

(*d*) Is it in the contemplation of the Government, in the event of the extension of the Port Commissioners' ferry service as suggested above, to bring about a settlement between the Port Commissioners and the Municipalities affected, who have their own ferry services, by compensating the Municipalities for the loss of income arising from the discontinuance of their ferry service?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) Yes.

(*c*) Government informed the memorialists that present conditions could not be remedied until either the law was amended or a change was made in the northern limits of the Port of Calcutta It is probable that both the amendment of the Calcutta Port Act and the extension of the northern limits of the Port of Calcutta will come under the consideration of Government at no distant date.

(*d*) In view of the answer to (*c*) above it will be seen that this question does not arise at present."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***IX.**

(*a*) Will the Government be pleased to state whether the construction of a railway line from Jessore to Faridpur is under contemplation? Construction of a railway line from Jessore to Faridpur.

(*b*) Is it a fact that two possible routes have been suggested, viz., one along Jessore, Taragunge, Bhagarpara, Salika, Burnagati, Nohatta, Mahammadpore, Boalmari and Faridpur, and the other along Jessore, Taragunge, Bhagarpara, Salika, Bunagati, Bhabanhati, Magura, Nakole and Rajbari?

(*c*) Are the Government aware that the opening out of the railway along the first route would involve the construction of costly bridges near Mahammadpore and Pukhuria over the river Madhumati?

(*d*) Are the Government aware that the terminus of the first route is at Faridpur which is some distance away from the river Padma, whereas the terminus of the second route is at Rajbari, where direct communication is easily available with the steamer services of Eastern Bengal and Assam?

(*e*) Is it a fact that the first route is longer and is along low lying tracts of land which are subject to inundation during the monsoon and that the cost of construction would consequently be heavier?

(*f*) Are the Government aware of the fact that the first route commands six important markets while the second commands 35?

(*g*) Are the Government aware that the Delta Despatch Steamer Service through Khulna serves the traffic from the three important markets proposed to be served by the first route of the railway?

(*h*) Are the Government aware that the second route besides serving 35 important markets which are practically unapproachable by steamers will also command a considerable amount of passenger and goods traffic in view of the fact that it connects the Subdivisional Headquarters and its suburbs with the District Headquarters?

(*i*) Are the Government aware that the second route does not clash with the conveniences afforded by the J. J. Railway authorities as they have taken in hand the extension of their line to Sailkupa in a direction almost opposite to Magura and that the important places proposed to be served by this route are more than 15 miles away from the J. J. Railway and have no means of communication to feed them?

(*j*) Are the Government considering the feasibility of accepting the second route?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The proposition of a railway to connect Jessore with Faridpur is engaging the attention of the Railway Board under the Government of India. It is understood that construction is not contemplated at present.

(*b*) Yes.

(*c*) Yes.

(*d*) No decision has yet been made in regard to the location of the terminus of either route. The town of Faridpur is, however, at no great distance from the river Padma.

(*e*), (*f*), (*h*) and (*i*) The actual alignment on either route has not yet been settled; so that the allegations contained in these questions cannot be said to be facts.

(*g*) There is a steamer service in the neighbourhood of the markets named.

(*j*) Preliminary inquiries have been made and the information obtained has been communicated to the Government of India, with whom the matter now rests."

UNSTARRED QUESTIONS.

(*Answers to which were laid on the table.*)

By the Hon'ble Mr. H. R. A. Irwin:—

1.

Epidemic of cholera in the tea districts of Northern Bengal.

(*a*) Are the Government aware of the serious and fatal epidemic of cholera which occurred in the tea districts of Northern Bengal, especially in the Darjeeling Terai, during April, May and June last?

(*b*) Will the Government be pleased to state whether any steps have been taken, in anticipation of the probable recrudescence of the disease during the next hot weather, when conditions are favourable for its propagation, to cope with and isolate it as far as possible?

(*c*) If not, will the Government be pleased to say whether they are considering the desirability of directing that the same shall be undertaken under the supervision of the Sanitary Commissioner of the province?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The answer is in the affirmative.

(*b*) and (*c*) Copies of various notes on the prevention of cholera were circulated through the agency of the Darjeeling and Duars Planters' Associations to the managers of the tea gardens in the affected areas. Arrangements are being made by the Sanitary Commissioner for keeping in stock a supply of cholera vaccine for issue to the tea gardens on receipt of requisitions from them, and copies of the instructions for its use have been circulated."

By the Hon'ble Mr. H. R. A. Irwin:—

2.

Insanitary condition of Kurseong.

(*a*) Has the attention of the Government been drawn to the insanitary conditions prevalent in the town of Kurseong testified to by the reports of Dr. C. A. Bentley, Sanitary Commissioner of Bengal, the late Dr. R. V. Dixon, late Civil Medical Officer, Kurseong, and Mr. J. A. L. Swan, I.C.S.,

Deputy Commissioner of the district, and verified in the annual reports of the municipality for years past?

(*b*) Will the Government be pleased to state—

(*i*) what steps are being taken to place the town in a more sanitary condition;

(*ii*) what reply, if any, has been given to the proposals of the late Chairman, Mr. R. B. Addis, for the improvement of the town;

(*iii*) what reply, if any, has been given to the request of the Commissioners for a grant from provincial funds to meet the expenses attendant on the appointment of a special sanitary officer for at least three years?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The answer is in the affirmative

(*b*) (*i*) Government have sanctioned a sewerage project for the town of Kurseong, and have given a grant of Rs. 50,000 and a loan of Rs. 30,000 towards the execution of the scheme. The work has been undertaken by the Sanitary Engineer and is in progress

(*ii*) The proposals of the late Chairman, Mr. R. B. Addis, for the improvement of the town have been recently submitted to Government and are now under consideration.

(*iii*) No proposal to this effect has been received by Government. It is understood that the Commissioner has pointed out to the Municipality that before such an officer can be entertained it is necessary that Part XI-B of the Bengal Municipal Act should be extended to the municipality. The Commissioner has accordingly requested the Municipal Commissioners to submit a proposal to extend Part XI-B of the Bengal Municipal Act to the municipality."

By the Hon'ble Babu Akhil Chandra Datta:—

3.

(*a*) Will the Government be pleased to lay on the table a statement showing:— Girls' schools in Bengal.

(*i*) all the girls' schools which now exist in Bengal in the district and subdivisional headquarters,

(*ii*) the year in which they were started,

(*iii*) the status of the schools (*i.e.*, whether they teach up to Middle English or Matriculation standard);

(*iv*) the number of girls on the roll, and

(*v*) the amount of Government grant to each school?

(*b*) Will the Government be pleased to state the names of the district headquarters which have no High School for girls?

(*c*) Are the Government considering the desirability of founding High English Schools for girls in those districts in which there are no such schools?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) A statement is laid on the library table.

(*b*) There are high schools for girls at four of the district headquarters, viz., Dacca, Chittagong, Mymensingh and Darjeeling.

(*c*) When the enrolment of a girls' middle school at a district head-quarters where there is no high school is sufficient to justify such a step, Government are prepared to consider sympathetically the question of raising its status to that of a high school."

By the Hon'ble Babu Akhil Chandra Datta:—

4.

Evening classes at the coal-fields.

(*a*) Will the Government be pleased to state the following particulars relating to "the evening classes at the coal-fields" referred to in reply to unstarred question No. 17 of the meeting of the 19th November, 1919:—

(*i*) the number of such classes,

(*ii*) the names of places where they are held,

(*iii*) the course of instruction imparted,

(*iv*) the number of teachers employed,

(*v*) the qualifications of such teachers,

(*vi*) the number of persons receiving instruction, and

(*vii*) the total amount of money spent in the current year for such classes?

(*b*) What improvement, if any, do the Government contemplate making in these classes?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) (*i*) and (*iii*) There are two grades of evening classes, viz:—

(*A*) for English-knowing employés in the coal mines. The instruction is designed to prepare them for appearing at the colliery managers' examination (2nd class) which is conducted by a Board under the presidency of the Chief Inspector of Mines in India.

(*B*) for vernacular speaking men employed in mines. The instruction is of a simple character and no definite syllabus is prescribed; the course is designed for sirdars and overmen hoping to become permit holders.

(*ii*) Classes of grade A are held at three centres in Bengal, viz., Deshergarh, Raniganj and Jamuria. Classes of grade B are held at two centres in Bengal, viz., Kalipahari and Charanpur.

(*iv*) Two teachers are employed in Bengal.

(*v*) Grade A classes are at present taught by a part-time local lecturer, who is the manager of a large colliery.

Grade B classes are taught by the Instructor in Mine Surveying of the Civil Engineering College, Sibpur.

(*vi*) The numbers enrolled during the last session were—

Grade A	203
Grade B	37

It is not possible to give definite figures for the current session, as new students are constantly being enrolled.

(*vii*) The provision for these classes in the current year's budget is as follows:—

	Rs.
Grade A	8,000
Grade B	565

As the classes are still proceeding, an exact statement of the expenditure involved up to date cannot be given.

(*b*) The improvements contemplated in these classes are on the lines recommended in 1914 by a Committee under the presidency of Sir D. J. MacPherson. A copy of the report of this Committee is laid on the library table."

By the Hon'ble Babu Akhil Chandra Datta:—

5.

(*a*) Will the Government be pleased to state what is the scheme now under the consideration of the Government for improved accommodation for Sibpur College? Improved accommodation for Sibpur College.

(*b*) What amount has been actually allotted or is proposed to be allotted for the execution of the scheme?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The scheme contemplates the acquisition and reclamation of land and the erection of new buildings for college purposes which will enable additional accommodation to be provided for the students and staff. The new buildings contemplated include a new barrack for Anglo-Indian students, an assembly and examination hall, an extension of the electro-technical laboratory, new cook-rooms, godowns and cooly lines

(*b*) It is proposed to make an allotment of 2 lakhs for the purpose in 1920-21."

By the Hon'ble Babu Akhil Chandra Datta:—

6.

Will the Government be pleased to state who are the proprietors of— Proprietors of certain estates.

(*1*) the Meenglas Tea Estate in the district of Jalpaiguri,

(*2*) the Singaran Toposi Collieries in the district of Burdwan, and

(*3*) the Banka Valley in the district of Burdwan?

Answer by the Hon'ble Mr. O'Malley:—

"(*1*) The Meenglas Tea Company, Limited

(*2*) The Singaran Colliery belongs to the Singaran Coal Syndicate, the North Singaran Colliery belongs to Babu S Chowdhury of Raniganj; and the Toposi Colliery is owned by the Bansra Coal Company, Limited

(*3*) The Banka passes through several villages owned by the following proprietors:—

1. The Maharajadhiraja Bahadur of Burdwan.
2. Babu Kirti Chandra Dan
3. Babu Biswa Nath Tewari
4. Dil Deyi Debi.
5. Mahammad Abdus Samad
6. Durges Nandini Debi.
7. The State of the late Raj Krishna Singh.
8. Saha Ali Mohammad.
9. Syed Mohammad Mohammad.
10. Chandra Sekhar Zemindari Company Limited.
11. Babu Nritya Gopal Sing.
12. Babu Akshoy Kumar Pal.
13. Babu Siba Das Chaudhury
14. G. P. Militus, Esq.

15. Syed Makbul Elahi.
16. Abdul Ohid Bara.
17. Babu Panchanan Nandi.
18. Nanda Lal Bhaduri.
19. Babu Dina Bandhu Nandi."

By the Hon'ble Babu Akhil Chandra Datta:—

7.

Expenditure by district boards on certain objects.

Will the Government be pleased to lay on the table a statement showing what percentage of the total income of each district board in Bengal has been spent during the last five years on:—

(*a*) medical relief;
(*b*) roads;
(*c*) khals;
(*d*) tanks and wells; and
(*e*) primary education?

Answer by the Hon'ble Mr. O'Malley:—

"Statements giving the information asked for under heads (*a*), (*b*) and (*e*) are laid on the table. It is regretted that it is not possible to furnish similar information in regard to heads (*c*) and (*d*) as statistics of the expenditure under those heads are not available."

Statement referred to in the Answer to Question No. 7 (unstarred).

A.

Percentage of District Board income spent on General Medical Establishments and hospitals and dispensaries.

District Board.	1914-15.	1915-16.	1916-17	1917-18	1918-19.
Burdwan	5·5	7·3	4·8	5·6	5·4
Birbhum	9·9	6·3	17·3	7·4	9·1
Bankura	4·8	2·2	2·5	4·9	4·4
Midnapore	3·2	4·1	3·9	4·6	3·5
Hooghly	7·6	8·1	10·3	10·4	12·3
Howrah	5·2	7·8	6·2	6·8	7·2
24-Parganas	3·0	3·2	4·0	4·5	4·4
Nadia	5·0	6·9	6·4	4·6	5·8
Murshidabad	5·2	5·4	5·2	6·0	8·7
Jessore	5·2	6·4	5·2	5·6	5·9
Khulna	6·2	8·8	9·1	8·8	8·8
Dacca	14·7	12·0	13·5	12·1	12·8
Mymensingh	3·5	8·4	5·3	5·9	8·2
Faridpur	4·7	5·0	4·3	5·7	5·1
Bakarganj	8·7	7·3	7·7	7·7	7·8
Chittagong	6·5	8·4	6·8	6·7	6·1

District Board.	1914-15	1915-16	1916-17.	1917-18.	1918-19.
Tippera	6·3	4·9	4·6	5·4	5·6
Noakhali	5·1	6·2	5·9	7·0	8·6
Rajshahi	4·2	4·5	4·8	4·0	5·1
Dinajpur	5·1	3·7	3·4	4·1	4·3
Jalpaiguri	3·6	3·0	2·9	3·9	3·1
Rangpur	11·3	7·3	7·5	10·5	11·4
Bogra	4·7	6·3	7·3	7·4	8·9
Pabna	3·4	3·4	2·7	3·8	3·9
Malda	6·5	8·0	7·0	9·5	8·7

Statement referred to in the Answer to Question No. 7 (unstarred).

B.

Percentage of District Board income spent on communications.

District Board.	1914-15	1915-16	1916-17.	1917-18	1918-19
Burdwan	51·7	58·9	55·7	48·0	39·8
Birbhum	47·3	35·8	36·4	36·7	29·9
Bankura	37·0	13·9	15·4	28·4	27·3
Midnapore	39·1	46·6	53·3	47·5	51·8
Hooghly	43·6	47·9	42·2	40·9	36·4
Howrah	56·1	61·5	47·1	45·0	42·5
24-Parganas	47·3	70·3	67·3	37·1	30·0
Nadia	64·2	50·5	46·2	34·8	31·6
Murshidabad	62·3	46·1	45·2	43·4	31·4
Jessore	59·5	56·7	32·0	24·5	22·5
Khulna	38·7	51·4	40·2	39·8	36·6
Dacca	34·7	31·1	36·6	28·1	29·8
Mymensingh	51·0	59·8	54·2	49·5	39·3
Faridpur	38·0	29·8	42·8	27·2	29·0
Bakarganj	55·4	44·1	39·9	49·8	31·5
Chittagong	56·6	69·7	57·9	42·2	41·9
Tippera	28·5	30·9	24·7	25·5	31·0
Noakhali	37·2	50·1	30·2	30·1	34·7
Rajshahi	50·2	43·9	36·9	41·2	35·5
Dinajpur	50·0	56·0	53·0	46·4	32·0
Jalpaiguri	62·6	61·7	50·9	64·1	49·1

DISTRICT BOARD.	1914-15	1915-16	1916-17	1917-18.	1918-19.
Rangpur	48·1	41·7	36·8	30·7	26·8
Bogra	38·6	27·9	27·8	35·7	31·0
Pabna	34·8	50·6	32·7	23·8	33·5
Malda	58·1	47·9	37·7	39·3	34·9

Statement referred to in the Answer to Question No. 7 (unstarred).

C.

Percentage of District Board income spent on Primary Education.

DISTRICT BOARD.	1914-15.	1915-16	1916-17.	1917-18.	1918-19.
Burdwan	6·2	11·3	9·2	9·8	10·0
Birbhum	8·0	12·2	16·9	16·7	20·0
Bankura	23·5	10·4	12·8	25·9	28·3
Midnapore	11·8	20·8	27·2	25·0	25·0
Hooghly	7·6	12·6	13·4	14·5	15·7
Howrah	12·1	24·3	16·6	17·2	19·1
24-Parganas	9·5	11·6	9·9	11·2	11·6
Nadia	12·2	15·0	16·9	19·3	11·2
Murshidabad	7·8	15·0	14·7	17·5	17·9
Jessore	10·4	21·4	16·2	9·3	15·0
Khulna	10·8	12·6	13·7	9·9	15·4
Dacca	31·8	25·4	27·3	26·4	28·8
Mymensingh	20·0	19·1	20·6	20·5	23·9
Faridpur	39·7	27·8	28·0	23·6	27·5
Bakarganj	18·8	17·8	17·6	18·9	20·5
Chittagong	16·4	18·4	18·7	20·6	25·1
Tippera	23·4	22·1	23·7	26·0	29·4
Noakhali	29·4	25·2	19·0	23·6	29·8
Rajshahi	17·6	25·2	21·5	7·7	24·2
Dinajpur	17·2	24·7	22·0	17·9	24·7
Jalpaiguri	20·3	19·5	18·3	20·0	17·4
Rangpur	23·1	25·9	23·0	22·9	23·3
Bogra	24·4	24·1	25·4	26·2	29·8
Pabna	22·2	20·6	23·5	21·0	28·0
Malda	17·5	17·8	17·4	20·6	20·3

By the Hon'ble Babu Akhil Chandra Datta:—

8.

Will the Government be pleased to state the following particulars about the Joint Technical Board, namely:—

(*a*) the history of its formation, *i.e.*, the facts and circumstances leading to its formation; The Joint Technical Board.

(*b*) the ordinary functions of the Board;

(*c*) the names of the members of the Board; and

(*d*) the remuneration or emolument of the members?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Prior to the formation of the Joint Technical Examination Board, the overseer and sub-overseer examinations of the Apprentice Department of the Civil Engineering College, Sibpur, were conducted by members of the staff of that College, and until 1902 all institutions in the old provinces of Bengal and Eastern Bengal and Assam teaching up to the overseer or sub-overseer standards took these examinations. In the year 1902 the Bihar School of Engineering was given permission to conduct its own examinations independently of the Civil Engineering College, Sibpur. The certificates, awarded to successful students of the Civil Engineering College, Sibpur, and of all the technical schools affiliated to it, were signed by the Principal of the Sibpur College, while those awarded to successful students of the Bihar School of Engineering were signed by the Principal of the Patna College and countersigned by the Director of Public Instruction. Thus overseer and sub-overseer certificates were awarded on the results of two different sets of examinations, controlled by two practically independent bodies, viz., the Civil Engineering College, Sibpur, and the Bihar School of Engineering. It was considered desirable that the certificates should represent similar qualifications throughout the two provinces and this result could not be attained unless the examinations were controlled by a single authority. It was also felt that technical education had outgrown the then system of examinations and that the latter should be improved. In these circumstances the Board was first constituted in 1908.

(*b*) The functions of the Board are—

(*i*) to control the overseer and sub-overseer examinations in Bengal and Bihar and Orissa, and such other examinations as may from time to time be placed under the control of the Board;

(*ii*) to notify the results of these examinations to the respective Governments and also to the institutions affiliated to the Board;

(*iii*) to appoint examiners for these examinations;

(*iv*) to receive and consider the reports of examiners;

(*v*) to issue to candidates successful at these examinations certificates signed by the President of the Board and also to issue practical training course certificates to those candidates who have completed recognised courses of practical training to the satisfaction of the Board; and

(*vi*) to advise Government with reference to the syllabuses of studies to be followed in the classes preparing for examinations conducted by the Board.

(*c*) The members of the Board are—

Ex-officio President.

1. Chief Engineer, Roads and Buildings Branch, Public Works Department, Bengal.

Ex-officio Members.

2. Superintending Engineer, Eastern Circle.
3. Principal, Civil Engineering College, Sibpur.
4. Principal, Bihar School of Engineering.
5. Head Master, Dacca School of Engineering.
6. Superintending Engineer, Sone Circle, Arrah.

Ex-officio Secretary.

7. Superintendent of Industries and Inspector of Technical and Industrial Institutions, Bengal.

(*d*) The members receive no remuneration or emoluments for their duties in connection with the Board."

By the Hon'ble Babu Akhil Chandra Datta:—

9.

Post of Assistant Surgeon, Narayanganj Victoria Hospital.

(*a*) Is it a fact that it has been proposed to abolish the post of Assistant Surgeon in charge of the Narayanganj Victoria Hospital?

(*b*) Are the Government aware that the people of Narayanganj are very strongly against the proposed abolition?

(*c*) Are the Government considering the desirability of dropping the proposal?

Answer by the Hon'ble Mr. Marr:—

"(*a*) There is no proposal before Government for the abolition of the post of assistant surgeon at Narayanganj. An application was submitted by the Secretary, European Doctor's Fund, Narayanganj, to the Surgeon-General (through the Civil Surgeon of Dacca) to the effect that the European doctor maintained by private subscriptions might be appointed to the charge of the Narayanganj hospital and jail in place of the assistant surgeon. The municipality has been asked to express their opinion regarding the proposal.

(*b*) A copy of a resolution adopted at a meeting of the Bar Association, Narayanganj, protesting against the abolition of the post of assistant surgeon has been received.

(*c*) Government are awaiting the opinion of the Narayanganj municipality."

By the Hon'ble Babu Akhil Chandra Datta:—

10.

The Subordinate Civil Service.

(*a*) Will the Government be pleased to state what action has been taken for the improvement of the pay and prospects and terms and conditions of service of the Subordinate Civil Service in Bengal in accordance with the resolution moved by the Hon'ble Babu S. N. Ray and agreed to by Government in this Council on the 4th July, 1919?

(*b*) Has any scheme been formulated regarding the pay and the conditions of promotion relating to the above service?

(*c*) Will the Government be pleased to state whether they are prepared o invite public opinion and the opinion of the members of the service oncerned on any scheme which has been or may be formulated for the ubordinate Civil Service as has been done in the case of the Provincial ervices in Bengal?

(*d*) Have the Government considered the recommendations in the report n the Indian Constitutional Reforms regarding the Subordinate Services to hich the attention of this Council was drawn by the Hon'ble Babu S. N. Ray n his resolution on the 4th July, 1919?

(*e*) If not, have the Government any such proposals now under consi eration in connection with the improvement of the Subordinate Civil Service n Bengal?

(*f*) If the amalgamation of the Subordinate Civil Service with the rovincial Executive Service be not considered practicable by Government ow, will the Government be pleased to state whether they intend to consider the recommendations of the Public Services Commission on the subject of the pay of the services manned by graduates, having in view the observations made by the Hon'ble Mr Kerr in his reply to the resolution moved by the Hon'ble Babu S N Ray?

(*g*) Will the Government be pleased to state whether they have considered the question of the introduction of a time scale pay for the Subordinate Civil Service, as referred to by the Hon'ble Mr. Kerr in reply to the resolution mentioned above?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*), (*b*), (*c*), (*d*) (*e*), (*f*) and (*g*) The orders of the Government of India regarding the future recruitment, emoluments and conditions of service of the Provincial Civil Service have not yet been received, and the general position is still as stated by the Hon'ble Mr Kerr in his speech on the resolution referred to namely, that no substantial investigation of the problem of the future of the Subordinate Civil Service can be taken up until the orders regarding the service to which it is ancillary have been received Government have, however, in the meantime undertaken a preliminary review of the problem, and are now engaged in formulating such conclusions as are possible regarding the future recruitment work and emoluments of the Subordinate Civil Service. Commissioners and heads of departments, at their conference in October last, furnished Government with their views on several leading points that were referred to them; a more detailed examination is now in process, and further action will be decided upon on its completion. Full consideration will be given to all relevant recommendations contained in the report of the Public Services Commission and the report on Indian Constitutional Reforms."

y the Hon'ble Babu Akhil Chandra Datta:—

11.

With reference to the assurance given by the Hon'ble Mr. Kerr to his Council on the 4th July, 1919, that the question of promotion from the ubordinate Service to the Provincial Service was already under the conderation of Government and that the matter would be taken up almost imediately, will the Government be pleased to state what action has been aken in this connection? The subordina Civil Service.

Answer by the Hon'ble Mr. Stephenson:—

"Shortly after the date of the speech referred to, the local Government submitted to the Government of India their proposals regarding the future recruitment of the Provincial Civil Service. These included a proposal as to the proportion of recruitment which should be made by promotion from the Subordinate Civil Service."

By the Hon'ble Babu Akhil Chandra Datta:—

The Subordinate Civil Service.

12.

(*a*) Will the Government be pleased to state the present qualifications for the promotion of an officer of the Subordinate Civil Service to the Provincial Service?

(*b*) Will the same qualifications apply in future?

(*c*) Will the Government be pleased to state the principle on which an officer of a comparatively lower grade in the Subordinate Service is promoted to the higher service in supersession of the officers of the higher grades?

(*d*) Upon what principle were the promotions made during the last 3 years?

(*e*) Is there any age bar to promotion form the Subordinate to the Provincial Service?

(*f*) If so, will the Government be pleased to lay on the table a statement showing the names of officers in the Subordinate Civil Service with their present grades, who have been considered ineligible for promotion owing to such bar, from the year 1916 to 1919, year by year?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) There are no prescribed qualifications Officers are selected for promotion on a review of the general merits of their work and of the likelihood of their usefulness in the higher service.

(*b*) No decision as to future rules has yet been arrived at.

(*c*) The answer is contained in the answer to (*a*) above.

(*d*) On the principle stated in the answer to (*a*) above.

(*e*) Yes Rule 6 of the rules for the recruitment of the executive branch of the Provincial Civil Service lays down that an officer nominated for appointment by promotion from another branch of Government service should not ordinarily exceed the age of 40.

(*f*) Government do not consider it is in the public interest to lay such a statement on the table."

By the Hon'ble Babu Akhil Chandra Datta:—

13.

Promotion of Sub Deputy Magistrates vested with 1st class powers.

(*a*) Will the Government be pleased to state whether the instructions conveyed in their letter No. 3885 A., dated Calcutta, the 8th August, 1911 (published in the *Calcutta Gazette* of 16th April, 1919), to Commissioners of

divisions on the subject of promotion of Sub-Deputy Magistrates vested with st class powers to the rank of Deputy Magistrate and Collector within the ext 2 or 3 years from the time of their investment with such powers, have een acted upon?

(*b*) If so, will the Government be pleased to state whether all the Sub-leputy Magistrates vested with 1st class powers from the year 1911 to 1917 ave been promoted?

nswer by the Hon'ble Mr. Stephenson:—

" (*a*) The instructions referred to were acted upon until conditions aris-ng out of the war necessitated the investing with 1st class powers of a rger number of Sub-Deputy Magistrates. A reference is invited to the nswer given by the Hon'ble Mr. Kerr to unstarred question No 7 at the eeting of the Council held on the 3rd April, 1919.

(*b*) All the Sub-Deputy Magistrates vested with 1st class powers from e year 1911 to 1917 have not been promoted "

y the Hon'ble Babu Akhil Chandra Datta:—

14.

Will the Government be pleased to lay on the table:—

Names, etc., of Sub Deputy Magistrates vested with 1st class powers

(*i*) a statement showing the names of the Sub-Deputy Magistrates vested with 1st class powers, their places of posting, and the work on which they were employed in the two preceding years (1918 and 1919),

(*ii*) a statement, year by year, showing the number of criminal cases tried and committed to the Court of Sessions, with the number of witnesses examined by the Sub Deputy Magistrates with 1st class powers at the stations to which they were posted, in the two years mentioned above,

(*iii*) a statement, year by year, showing the number of criminal cases tried and committed to the Court of Sessions, with the number of witnesses examined by the Subdivisional Officers of those subdivisions to which Sub-Deputy Magistrates with 1st class powers were also posted, in the two years mentioned above?

nswer by the Hon'ble Mr. Stephenson:—

" (*i*), (*ii*) and (*iii*) A statement showing the names of Sub-Deputy Magis-ates now possessing 1st class powers and the stations to which they are at esent posted is laid on the table. The further statements asked for would ke a considerable time to procure (in consultation with local officers), and does not appear that their usefulness would justify the trouble involved their compilation. Government do not therefore propose to furnish these atements."

Statement referred to in the Answer to Question No. 14 (unstarred) of the meeting of the 3rd February 1920

No.	Names of Sub-Deputy Magistrates possessing first class powers.	Station to which posted.
1	Babu Sharat Chandra Chatterjee ...	Sirajganj Pabna.
2	„ Birendra Kumar Basu ...	Pirojpur, Bakarganj.
3	„ Harish Chandra Sarkar ...	Barrackpore, 24-Parganas.
4	Maulvi Ahmad Ali	Birbhum.
5	Babu Radhika Mohan Basak ...	(On leave).
6	„ Atul Bihari Gosain	Burdwan.
7	„ Prakash Chandra Dutt ...	Asansol, Burdwan.
8	„ Amulya Krishna Dutt ...	Tamluk, Midnapore.
9	„ Rajendra Lal Acharji ...	Dacca (transferred temporarily to Patuakhali).
10	Maulvi A. F. M. Muhammad Mahmud ...	Khulna.
11	Babu Hari Charan Banerji	Alipur, Jalpaiguri (on leave).
12	„ Upendra Mohan Basu ...	Bogra.
13	„ Bankim Bihari Mitra ...	(On leave).
14	Mr. A. J. L. Mitra	Serampore, Hooghly.
15	Babu Manindra Nath Basu ...	Naogaon, Rajshahi.
16	„ Tarapada Bhattacharji ...	Burdwan.
17	Maulvi Muhammad Ibrahim ...	Magura, Jessore.
18	Babu Surendra Mohan Mitra ...	Dacca.
19	„ Kali Charan Mukharji ...	Patuakhali, Bakarganj.
20	„ Kamini Mohan Das Gupta ...	Bagerhat, Khulna.
21	„ Rebati Raman Barua ...	Noakhali.
22	„ Phani Bhusan Chakrabatti ...	Howrah.
23	„ Suresh Chandra Nandi ...	Calcutta
24	„ Narendra Narayan Chakrabatti ...	Tippera.
25	Maulvi Muhammad Yahya	Chittagong.
26	„ Jamiluddin Ahmad ...	Nadia.

By the Hon'ble Babu Akhil Chandra Datta:—

15.

:port of cattle tside Bengal.

(*a*) Will the Government be pleased to state whether any cattle have been exported out of Bengal during the last five years?

(*b*) If so—

(*i*) by whom,

(*ii*) to what countries,

(*iii*) for what purpose, and

(*iv*) to what extent?

nswer by the Hon'ble Mr. Marr:—

" (*a*) Cattle have been exported from Calcutta during the last 5 years. t is not known whether any of these came from Bengal or not The breeds referred in the Brazilian trade come from Gir and Gujarat

(*b*) (*i*) The principal exporters are Joakim Nahapiet and Company and ie Straits Live Stock Company

(*ii*) A statement is laid on the table.

(*iii*) It is understood that they are exported for breeding purposes

(*iv*) See answer to (*ii*) "

nt referred to in the Answer to Question No. 15 (unstarred) of the meeting of the February, 1920, showing the number of cattle exported from Calcutta to Foreign ntries during the years from 1914-15 to 1919-20 (April to December).

	1914-15	1915-16	1916-17	1917-18	1918-19	1919-20 (April to December).
	No.	No.	No	No	No	No.
tlements	287	335	634	160	268	256
... ..	..	...	14	...	...	...
... ...	...	...	4	...	...	...
... ...	...	...	165	90	258	102
.. ...	..	...	...	119	...	204
... ...	...	...	...	6	...	10
... ...	...	...	..	...	700	80
... ...	1	4	..	...	...	...
st India Islands ...	1	...	...	...	...	...
ngary	4	...	...	...	...	...
... ...	...	...	...	...	...	90
Total ...	293	339	757	375	1,226	742

TA CUSTOM HOUSE,
rd January 1920.

C. H. JOSEPH,
Superintendent,
Statistical Department.

A. BURRUP,
Assistant Collector for
Statistics.

y the Hon'ble Babu Akhil Chandra Datta:—

16.

(*a*) Will the Government be pleased to state whether milk, butter, hee and meat (preserved and unpreserved) have been exported out of Bengal uring the last five years?

Export of milk, butter ghee and meat outside Bengal

(*b*) If so, to what countries and to what extent?

nswer by the Hon'ble Mr. Marr:—

" (*a*) No milk has been exported. Preserved meat has been exported to small extent, but figures have not been kept. Butter and Ghee have been xported.

(*b*) Two statements are laid on the table."

Statement referred to in the Answer to Question No. 16 (unstarred) of the meeting of 3rd February 1920, shewing the quantities of "Ghee" exported from the Presiden Bengal in each official year from 1914-15 to 1919-20 (April to December).

Countries to which exported.	1914-15.	1915-16.	1916-17.	1917-18.	1918-19.	April Decem 1919
	lbs.	lbs.	lbs	lbs.	lbs.	lbs
United Kingdom	50,098	62,810	42,244	13,067	.....	13,
Maldives	6,832	12,964	2,992	7,046	4,928	.....
Ceylon	29,768	13,396	20,611	22,749	7,405	3,
Straits Settlements	1,892,735	1,964,633	1,692,262	1,361,432	929,726	608,
Federated Malay States ...	15,764	16,067	6,970	.....	.....	.....
Hong Kong	313,436	199,737	196,402	246,063	165,033	166,
British Borneo	.....	.....	.....	7,675	4,100	.....
Egypt	.....	3,340	10,386	100,450	123,118	22,
Cape Colony	48,311	40,960	16,265	128,135	13,844	
Natal	247,455	185,716	85,502	274,042	205,314	70
Transvaal	.....	.....	.....	9,384	.....	.....
Rhodesia	.....	.....	.....	410	.....	.....
Mauritius and Dependencies ...	208,593	224 998	217,670	231,741	39,070	122,
British West India Islands ...	89,346	153,035	231,467	47,510	203,153	.....
British Guiana	156,363	155,869	235,950	16,426	112,634	36,
New South Wales	19,710	62,358	27,923	1,971	6,112	1
Fiji Islands	177,936	111,575	251,223	204,429	167,436	77,
New Zealand	.....	4,107	.....	.....	.....	.....
Philippines	.....	.....	.....	2,762	8,010	4,
Sumatra	1,992	8,170	.....	.....	.....	.....
Java	21,856	20,406	21,308	17,427	54,488	52,
Celebes, etc.	.....	.....	1,971	.....	.....	.....
Siam	67,092	63,080	72,636	38,387	18,295	27,
China	68,189	80,271	100,286	130,469	69,076	49,
Japan	202	904	1,162	6,150	4,196	
Portuguese East Africa ...	5,600	3,489	1,642	26,044	52,230	.....
Dutch Guiana	5,494	6,399	5,663	.....	7,878	
Madagascar	.....	.....	.....	.....	410	.....
Total ...	3,426,772	3,394,284	3,242,535	2,896,769	2,196,456	1,257,

CALCUTTA CUSTOM HOUSE,

The 22nd January 1920.

C. W. JOSEPH,

Superintendent,

Statistical Department.

A. BURRUP,

Assistant Collector for

Statistics.

t referred to in the Answer to Question No. 16 (unstarred) of the meeting of the February, 1920, showing the quantities of butter exported from the Presidency of gal in each official year from 1914-15 to 1918-19 and nine months of 1919-20.

ntries to which exported.	1914-15	1915-16	1916-17.	1917-18	1918-19.	Nine months of 1919-20.
	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.
gdom	...	...	...	...	...	48
ements	4,460	384	698	2,600	61	...
... ...	26	.	12	...	10,362	...
... ...	...	..	...	3,780	...	...
... ...	...	...	...	...	...	56
... ...	...	200	...	...	...	...
Total ...	4,486	584	710	6,380	10,423	104

CUSTOM HOUSE,
l January 1920.

C. H. JOSEPH,
Superintendent,
Statistical Department.

A. BURRUP,
Assistant Collector for
Statistics.

y the Hon'ble Babu Akhil Chandra Datta:—

17.

(*a*) Will the Government be pleased to state how many Indians have en appointed to the Preventive Service since 1910, when the department as thrown open to Indians by the Secretary of State? Appointment Indians to the Preventive Service.

(*b*) Is it a fact that only one Indian has been appointed as Preventive ficer, and that also very recently?

(*c*) Is it also a fact that a number of Indians, including some members of e Bengali Regiment, have applied for appointment in the Preventive epartment?

(*d*) Is it also a fact that the Collector of Customs has informed them at he will wait to see how the one Indian who has been appointed acquits mself before he appoints any more Indians?

(*e*) Will the Government be pleased to state the reasons why the orders the Secretary of State have not been given effect to in this connection?

(*f*) Are the Government considering the desirability of formulating a efinite scheme to ensure that the orders of the Secretary of State passed in is behalf in 1910 will be given effect to?

nswer by the Hon'ble Mr. Marr:—

" (*a*) Two, both recently.

(*b*) See reply to (*a*).

(*c*) Yes.

(*d*) The Collector of Customs recollects making no such statement. There are, however, good grounds for watching the results of these recent appointments.

(*e*) and (*f*) This depends altogether on whether, when vacancies occur, applications are received from Indians with the necessary qualifications. In future all vacancies in the Preventive Service will be advertised in the principal Calcutta newspapers."

By the Hon'ble Babu Akhil Chandra Datta:—

18.

Bengal officers and Articles 202 (*c*) and 375 of the Civil Service Regulations.

(*a*) Is the service of a probationary or officiating Sub-Deputy Collector taken into consideration in counting the period of two years mentioned in articles 202 (*c*) and 375 of the Civil Service Regulations?

(*b*) Is it a fact that the three conditions mentioned in the said articles were imposed on the analogy of the rules regulating cases of Police Probationers and temporary and officiating Assistant Superintendents of Police?

(*c*) Is it a fact that the first two of the above-mentioned three conditions do not now apply to the Police Probationers and temporary and officiating Assistant Superintendents of Police?

(*d*) Is it a fact that the temporary Kanungos in the Settlement Department count their service towards leave and pension from the date of their appointment if they are subsequently promoted to be Sub-Deputy Collectors and Deputy Collectors?

(*e*) Are the Government considering the desirability of moving the Government of India to dispense with the first two conditions of articles 202 (*c*) and 375 of the Civil Service Regulations so far as they apply to Bengal officers?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) The answer is in the affirmative.

(*b*) The concession allowed in 1886 to temporary and officiating Assistant Superintendents of Police of counting their service towards leave and pension, provided that they have passed their examinations and served two years in the department, was extended in 1899 to members of the Provincial Executive Service, and in 1914 to the Subordinate Executive Service.

(*c*) In the altered conditions of the Police service Articles 202 (*c*) and 375 no longer apply to it.

(*d*) The answer is in the affirmative.

(*e*) The question is under consideration with regard to the Provincial Executive Service in connection with the recommendations of the Public Services Commission."

By the Hon'ble Babu Akhil Chandra Datta:—

19.

Release of political prisoners.

(*a*) Will the Government be pleased to state whether all the political offenders in Bengal, including those detained under the Defence of India Act and Bengal Regulation III of 1818, have been released in accordance with His Gracious Majesty's Royal Proclamation?

(*b*) If not, will the Government be pleased to publish a list giving the names and number of those who are still under detention?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) The Hon'ble Member is referred to the answer to question No. 41.

(*b*) Government are not prepared to publish the names of the persons till in detention."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

20.

(*a*) Is it a fact that there are two hostels of the Dacca College one the Dacca College Hostel, the other the Secretariat Hindu Hostel? Dacca College Hostels.

(*b*) Is it a fact that there was a distinct understanding between the Government and the College authorities that no student would be forced to live in the Secretariat Hostel so long as there was a vacancy in the main hostel?

(*c*) Will the Government be pleased to state how many seats were vacant at the beginning of the last session (*i.e.*, July 1918), in the two hostels, how the seats were filled up, and how many seats were vacant throughout the last session, separately in each of the two hostels?

(*d*) Is it a fact that some students were compelled to join the Secretariat Hostel?

(*e*) Is it a fact that the students in the main hostel were not required to pay seat-rents previous to August, 1918?

(*f*) Is it a fact that Mr F C Turner, Principal of the College, has imposed seat-rents in the main hostel?

(*g*) Will the Government be pleased to state whether such seat rents have been sanctioned by the Government? If so, from what date was such sanction given?

(*h*) Is it a fact that the seat rents have been realized since July 1918? If the sanction of the Government was given later than that date will the Government be pleased to state on what authority the Principal enforced the realization of these payments?

(*i*) Is it a fact that the same Principal, Mr. F C Turner, realized the college fee at the rate of Rs 9 without the sanction of the Government last year and that the money had to be refunded?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) In addition to the two hostels mentioned, there is a Muhammadan hostel in the Eastern Bengal and Assam Secretariat buildings.

(*b*) The answer is in the negative.

(*c*) The number of vacancies was as follows:—

	July, 1918	Throughout the Session
College Hostel	17	3
Hindu Hostel	77	38

The vacancies were filled by students newly joining the college.

(*d*) The answer is in the affirmative.

(*e*) The answer is in the affirmative.

(*f*), (*g*) and (*h*) With the consent of the Divisional Commissioner, who is the President of the Governing Body of the College, the Principal has been realizing seat rents from September 1918 in anticipation of Government

sanction. The matter has been referred to Government and is under their consideration.

(*i*) The Governing Body of the Dacca College made proposals in April, 1918, that the ordinary fee of the College should be raised from Rs. 6 to Rs 9 per mensem, with effect from the beginning of the session, and that 20 per cent. of the admissions should be made at the concession rate of Rs. 3 per mensem. When the admissions were made, no reply had been received to the letter embodying these proposals, and students who were admitted paid at the rate of Rs 9 on the distinct understanding that the balance of Rs. 3 would be returned to them if Government did not accept the proposal of the Governing Body. Rupees 3 was accordingly refunded on receipt of orders from Government disapproving of the proposal."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

21.

Primary schools under the Court of Wards.

Will the Government be pleased to make a statement showing the number of primary schools in each of the estates under the Court of Wards and also in the Maharaja Tagore's estates under Government?

Answer by the Hon'ble Mr. McAlpin:—

"A statement is placed on the table showing the number of primary schools in each of the estates under the Court of Wards, which are in receipt of a grant or contribution from the estates The rest of the question concerns the private affairs of a private individual, which do not affect the public, and Government are not prepared to make public information about them."

Statement referred to in the answer to question No. 21 (unstarred) showing the number of primary schools in each of the estates under the Court of Wards which are in receipt of grants or contribution from the estates.

District.	Name of Estate	Number of primary schools.
Midnapore	Pachetgarh	10
Ditto	Jhargram	18
Hooghly	Boinchee B. L. Mukharji Trust Estate.	13
24-Parganas	Gobardanga	2
24-Parganas and Jessore ...	Janbazar No. I.	18
Murshidabad	Kasimbazar Ward	13
Khulna	Syedpur Trust	27
Dacca	Nawab Family estates	2
Do.	Bhawal	61
Mymensingh	Santosh six annas	11
Bakarganj	Dakshin Shahabazpur	4
Ditto	Deb Nath Dutta	1
Ditto	Khantakhali	1
Chittagong	Raj Kissen Banarji	8
Ditto	Ram Ratan Tewari	1
Ditto	Salamat Ali Khan	3
Tippera	Kasimbazar (Sarail)	17
Noakhali	Kalitara Sen Gupta	1
Dinajpur	Churaman	25
Ditto	H. C. Boral	2
Ditto	J. C. Boral	2
Ditto	Janbazar No. II.	20
Ditto	Majdiha	1
Rangpur	Kasimbazar Ward	2

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

22.

(*a*) Will the Government be pleased to publish a report on the sanitary condition of the Manikganj subdivision and the steps taken to improve it, in continuation of the report which has been published as Appendix "G" to the Proceedings of the Council, dated 14th March, 1918? Sanitary condition of Manikganj, Tangail and other areas in the Dacca Division.

(*b*) Will the Government be pleased to publish a similar report in regard to the Tangail subdivision, and other insanitary areas within the Dacca Division?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) A report on the sanitary condition of the Tangail subdivision is laid on the library table. Government regret that the staff at their disposal is not sufficient to enable a complete sanitary survey to be made of the Manikganj subdivision and other insanitary areas in the Dacca Division."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

23.

Will the Government be pleased to lay on the table an account of the work done by the Director of Industries since his appointment, particularly in the following directions:— Work done by the Director of Industries.

(*i*) carrying on a survey of the industrial resources and possibilities of Bengal;

(*ii*) guiding the industrial enterprises started after the cessation of the war by giving them information and advice,

(*iii*) encouraging the manufacture by demonstration and pioneering of those articles that were being imported from Germany and Austria before the war?

Answer by the Hon'ble Mr. Marr:—

"A copy of the Administration Report of the Director of Industries is placed on the library table."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

24.

(*a*) Will the Government be pleased to say whether the Director of Industries was also the Controller of Munitions and the Meteorologist of Bengal till the end of the last calendar year? The Director of Industries.

(*b*) How much was he drawing as salary in the different capacities?

(*c*) How much has been spent for the Department of Industries up to the end of 1919?

Answer by the Hon'ble Mr. Marr:—

"(*a*) The Director of Industries, Bengal, is *ex-officio* the Controller of Munitions of the province. In April 1919, when Mr. J. C. K. Peterson, the Director of Industries, went on leave, Mr. D. B. Meek, who had been the Assistant Controller of Munitions and who had been allowed to retain his previous appointment as the Meteorologist of Calcutta, was appointed as

Officiating Director of Industries and Controller of Munitions, Bengal, up to the end of the last calendar year. Mr. Meek was allowed to work as the Meteorologist in addition to his double functions of Director of Industries and Controller of Munitions.

(*b*) The pay of the Director of Industries, Bengal, was Rs. 2,800 per month. Mr. Meek used to get the following salaries:—

	Rs.	A.	P.
Pay as Assistant Controller of Munitions ...	900	0	0
Acting allowance as Officiating Director of Industries, Bengal	1,066	10	8
As Meteorologist, Calcutta	410	0	0
As Controller of Munitions	Nil.		

(*c*) A sum of Rs. 42,661 has been spent on the Department of Industries up to the end of 1919."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

25.

Carrying out of the recommendations of the Indian Industrial Commission.

Will the Government be pleased to state which of the recommendations of the Indian Industrial Commission the Director of Industries intends to carry out in the immediate future and what arrangements have been or are going to be made for the purpose?

Answer by the Hon'ble Mr. Marr:—

"The Director of Industries has submitted certain proposals, which are now under the consideration of Government, but there are various points still unsettled."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

26.

The Director of Industries.

(*a*) Will the Government be pleased to state whether it is a fact that Mr. J. C. K. Peterson, I.C.S., was appointed Director of Industries in 1918 and took leave shortly after for a year and that he subsequently resigned and joined service under a private Company?

(*b*) Is it also a fact that Mr. D. B. Meek, formerly Professor of Physics in the Presidency College, Calcutta, who was Assistant Controller of Munitions, became Controller of Munitions and Officiating Director of Industries and remained all the time the Meteorologist of Calcutta?

Answer by the Hon'ble Mr. Marr:—

"(*a*) Yes.

(*b*) Yes."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

27.

Text-books in the Government zilla schools in the Presidency and Burdwan Divisions.

(*a*) Will the Government be pleased to state whether it is a fact that the text-books in the Government Zilla Schools of the Presidency and Burdwan divisions are different?

(*b*) If so, why?

(*c*) Are the Government considering the desirability of prescribing a uniform standard at least for those two divisions pending the proposed unification of curricula and revision of text book rules throughout the province?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) and (*b*) Head masters of secondary schools have been authorized by Government to select and prescribe text-books from the approved list. No uniformity of standard as regards text-books is, therefore, possible.

(*c*). The answer is in the negative."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

28.

Steamer connection wit Kamalghat (Munshiganj)

(*a*) Will the Government be pleased to state after inquiry the reasons why the up and down Narainganj to Goalundo Express steamers do not touch at Kamalghat (Munshiganj) which is the headquarters station of an important subdivision like Munshiganj?

(*b*) Is it a fact that these steamers pass by the ghat?

(*c*) Are the Government aware that these steamers stop at Bhagyakul and Rajbari which are not so important as Munshiganj?

(*d*) Are the Government aware that inconvenience is felt by the inhabitants and officers of Munshiganj in this matter and that great delay takes place also in receiving and despatching the mail bags?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) Government are informed that the Express up and down Narainganj-Goalundo steamers do not touch at Kamalghat (Munshiganj) because if this were done it would probably involve the missing of the connection with the Mail trains at either end.

(*b*) Yes.

(*c*) The Up Express steamer does not at present call at Bhagyakul for want of time. The Down Express does stop, but this practice may have to be discontinued at any time for the above reason. Passenger traffic is heavier at Bhagyakul than at Munshiganj.

(*d*) Government are aware that inconvenience is caused to the inhabitants of Munshiganj by the present arrangement; and that the mails have to leave earlier and to arrive later than would otherwise be the case.

The Steamer Companies will be asked to consider the question."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

29.

Scale of pay of the lower division clerks in the Bengal Secretariat.

(*a*) Will the Government be pleased to state whether it is a fact that a time scale of pay has been introduced in the Bengal Secretariat for the lower division clerks from 1st October, 1919?

(*b*) What are the minimum and maximum rates of pay under the new scheme and the rate of increment?

(*c*) How many years' service will a clerk have now to put in to entitle him to Rs. 100 per mensem?

(*d*) Is it not a fact that many clerks have been adversely affected by the new scale as they will not be allowed to count their past services towards increment?

(*e*) Are the Government taking any steps to mitigate the hardships caused by this division?

(*f*) Is it not a fact that the lower division clerks memorialised for a minimum of Rs. 50 and a maximum of Rs. 200 and also asked for a house rent allowance of 25 per cent. of pay or house accommodation on a deduction of 10 per cent. of pay.

(*g*) Has the scale of pay of the lower division clerks been revised in the offices of the Accountant-General, Bengal, Controller of Currency, Controller, India Treasuries, Accountant-General, Post and Telegraphs, Deputy Accountant-General, Post and Telegraphs?

(*h*) What are the minimum and maximum rates of pay and increment under the new scale introduced in these offices?

(*i*) Will the Government be pleased to say whether the work in those offices is considered to be superior to that of the Secretariat?

(*j*) Are the Government aware that the Government of India has addresed a Despatch to the Secretary of State recommending sanction to a time scale of pay of Rs. 100—8—300 for the lower division clerks in the India Secretariat?

(*k*) Have the Government considered whether the clerks will be able to meet the cost of living under the new scale of pay now sanctioned?

(*l*) Is it a fact that a rule has recently been made stopping direct recruitment of outsiders in the upper division of the Secretariat till all the deserving lower grade assistants who entered the Secretariat before 1st April 1910 are promoted to that grade?

(*m*) If so, has any deviation been made from this rule subsequently?

Answer by the Hon'ble Mr. Marr:-

"(*a*), (*b*), (*d*), (*e*) (*g*), (*h*) and (*i*) The Hon'ble Member is referred to the replies given to similar questions asked to-day by the Hon'ble Rai Radha Charan Pal Bahadur.

(*c*) 17 years' service will bring a clerk to Rs 101 a month, unless stopped previously at the efficiency bar, which has been fixed at Rs. 100 for clerks already employed in the Secretariat prior to the revision of pay and at Rs. 80 for others.

(*f*) Yes

(*j*) No

(*k*) This was taken into consideration in revising the pay.

(*l*) Yes, though the rule affecting Muhammadan recruitment has not been waived: neither has the rule which permits the recruitment of outsiders when otherwise a post cannot be suitably filled.

(*m*) No. Unless in the special cases referred to above."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

30

Appointment of Indians to the Preventive Service.

(*a*) Will the Government be pleased to refer to the reply given to my question at the meeting of the Legislative Council held on the 18th December, 1919, regarding appointments to the Customs Preventive Service, and say whether applications were invited from suitable Indians by advertisement in the newspapers?

(*b*) If not, are the Government considering the desirability of directing that this should be done in the case of future appointments?

Answer by the Hon'ble Mr. Marr:—

"(a) No.

(b) Government have requested the Collector of Customs, Calcutta, to advertise in future all vacancies in the Customs Preventive Service."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

31.

(a) How many Inspectors of Factories and Boiler Inspectors are there under the Government of Bengal and how many of them are Indians? **Inspectors of Factories and Boiler Inspectors under Government.**

(b) Are vacancies in these posts for Indians advertised in the newspapers?

Answer by the Hon'ble Mr. Marr:—

FACTORY DEPARTMENT.

"(a) There are four Inspectors of Factories (one temporary) for the three provinces of Bengal, Bihar and Orissa and Assam, none of whom is an Indian.

(b) All vacancies are advertised in the newspapers.

BOILER DEPARTMENT.

(a) There are eight Boiler Inspectors, none of whom is an Indian, for the provinces of Bengal and Bihar and Orissa.

(b) Vacancies have not hitherto been advertised in the newspapers."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

32.

Will the Government be pleased to make a statement showing the number of motor accidents in Calcutta during the last 5 years? **Motor accidents in Calcutta.**

Answer by the Hon'ble Mr. Stephenson:—

"The statistics are kept for persons hurt, not of "accidents;" a statement giving details of the former is laid on the table. The figures for 1919 are given subject to further check."

Statement referred to in the Answer to Council Question No. 32 (unstarred) of the 3rd February, 1920.

	Injured.	Killed.	Total.
1915	361	28	= 389
1916	386	47	= 433
1917	475	36	= 511
1918	561	42	= 603
1919	661	75	= 736

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

33.

Will the Government be pleased to state whether the time scale of pay recommended by the Public Services Commission for the Provincial Civil Service (Executive) will be given effect to within the next one or two years? **Time scale of pay of the Provincial Civil Service.**

Answer by the Hon'ble Mr. Stephenson:—

"In submitting their views on the recommendations of the Public Services Commission regarding the Provincial Civil (Executive) Service, the Government of Bengal have suggested a specific time-scale of pay for the service. The orders of the Government of India on the subject are awaited, and further action will depend on the date of their receipt."

By the Hon'ble Babu Brojendra K.

34.

Block in certain of the grades of Deputy Collectors.

(*a*) Has the attention of the Government been drawn to the block in the grades of Deputy Collectors drawing salaries of Rs. 500, 400 and 300 a month?

(*b*) Is it a fact that officers in these grades have been drawing the same salary for over 7 to 8 years?

(*c*) To relieve the situation, are the Government considering the desirability of giving temporary promotion to Deputy Collectors when they are appointed to act in the place of a Deputy Magistrate who has been appointed to the post of officiating District Magistrate or officiating Additional Magistrate?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) Government are aware that several officers in the grades of Deputy Collectors mentioned have been drawing the same salary for seven or eight years in succession.

(*c*) The Government of Bengal have recommended the introduction of a specific time-scale of pay for Deputy Collectors. The orders of the Government of India are awaited and it is not proposed to adopt in the meantime the measure suggested."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

35.

Certain statistics in regard to the Presidency, Dacca and Rajshahi Colleges.

Will the Government be pleased to lay on the table a comparative statement for the Presidency, Dacca and Rajshahi colleges supplying the information noted below, for the last 10 years, namely:—

(*a*) number of students Hindu and Muhammadan on the 31st March of the preceding official year;

(*b*) number of students reading in the I.A., I.Sc., B.A., B.Sc., M.A., M.Sc., and B.L. classes and the results in the University Examinations;

(*c*) number of teachers in different services for each of the subjects taught;

(*d*) expenditure per head for each student and the Government share of the same;

(*e*) the income derived from tuition fee, the endowment, local contribution and Government grant; and

(*f*) the expenditure on class and hostel accommodation for Hindus, Muhammadans, teaching staff, and accommodation for libraries and other miscellaneous matters?

Answer by the Hon'ble Mr. O'Malley:—

"Statements are laid on the library table."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

36.

(*a*) Is it a fact that constables in the Bengal Police are in receipt of a salary of Rs. 10 to 13 only per month?

(*b*) Are the Government aware that ordinary day labourers nowadays get at least annas eight a day as wages, *i.e.*, Rs. 15 a month? Pay of constables of the Bengal Police.

(*c*) Are the Government considering the advisability of increasing the salary of constables?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) The constables of the unarmed branch draw pay at the rates of Rs. 10 to Rs. 13 per mensem, but those of the armed branch get one rupee more.

(*b*) Yes, in certain circumstances.

(*c*) Sanction has just been received to an increase in the form of an enhanced grain compensation allowance."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

37.

(*a*) Will the Government be pleased to state whether it is a fact that head constables in the Bengal Police commence their service with a starting salary of Rs. 17-8 per month? Initial pay of head constables of the Bengal Police.

(*b*) Is it a fact that head constables in the Bengal Police are now generally recruited from the *bhadralog* class?

(*c*) Are the Government aware that Rs. 17-8 is considered insufficient nowadays to maintain even a small family among the *bhadralog* classes?

(*d*) Are the Government considering the desirability of revising the scale of pay of the head constables so as to make the starting salary to be at least Rs. 30 per month?

Answer by the Hon'ble Mr. Stephenson:—

(*a*) Yes.

(*b*) Ordinarily head constables are promoted from the ranks, but, as men with sufficient literary and other qualifications are not available in adequate numbers in the rank of constables, outsiders possessing such qualifications are also recruited as head constables in the unarmed branch.

(*c*) and (*d*) A proposal to raise the initial pay of the head constables in the unarmed branch to Rs. 25 a month, is under the consideration of Government."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

38.

(*a*) Are the Government considering the desirability of revising the scale of pay and allowances of the Sub-Inspectors and Inspectors of Police in Bengal? Pay and allowances of Sub-Inspectors and Inspectors of Police.

(*b*) Is it a fact that an officiating Inspector in the Bengal Police get less salary than a first grade Sub-Inspector?

(*c*) If so, are the Government considering the desirability of remedying this grievance?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) The answer is in the negative.

(*b*) and (*c*) Generally Sub-Inspectors of the 2nd and 3rd grades ar appointed to act as Inspectors, in which capacity they get more pay than a first grade Sub-Inspector."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

39.

Use of the title "Hon'ble" by Members of the Legislative Council.

(*a*) Will the Government be pleased to state the authority under whicl the members of Legislative Councils are entitled to prefix the title " Hon'ble " to their names?

(*b*) Is it not a fact that this authority confers on the said members a right under the Statute to prefix the said title to their names?

(*c*) Will the Government be pleased to state the full legal rights c members as regards the use of the said title to their names?

(*d*) Is it not a fact that the title " Hon'ble " as prefixed to the name of members of Legislative Councils is a title *recognized* by Government s long as the membership continues?

(*e*) If so, will the Government be pleased to state whether member of the Legislative Council are not exempted, during the term of their member ship, from taking out licences under the Arms Act on the ground that the hold a title recognized by Government?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) to (*e*) The title of ' Hon'ble,' which is in use by members of th Legislative Council, is a mere courtesy title and is not prescribed or regulate by any law. It therefore follows that it confers no legal status on the holder and in the circumstances a member of Council is not exempt from taking ou a license under the Arms Act simply for the reason that he is, by courtesy styled ' Hon'ble ' while he is a member of the Legislative Council. In para graph 234 of the Joint Report on the Reforms Scheme it is proposed tha the prefix ' Hon'ble ' shall be abandoned."

By the Hon'ble Babu Surendra Nath Ray:—

40.

Release of political prisoners

(*a*) Will the Government be pleased to state the number of politica prisoners who have been released after the gracious message of the 23r December last of His Imperial Majesty the King-Emperor?

(*b*) Will the Government be pleased to state how many political prisoners are still undergoing imprisonment or are undergoing a sentence of transportation or are detained under the Defence of India Act?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) and (*b*) The Hon'ble Member is referred to the answer to question No. 41. As regards persons still undergoing sentences of imprisonment or transportation, the number convicted of the offences against the State which are defined in Chapter VI of the Indian Penal Code is 6. In addition to these, 46 persons, believed to be members of a revolutionary conspiracy, are undergoing imprisonment or transportation for other offences."

By the Hon'ble Babu Bhabendra Chandra Ray:—

41.

(*a*) Will the Government be pleased to state the number of persons who were under detention in Bengal, under Bengal Regulation III of 1818, the Defence of India Act or other war measures, on the date of the recent Royal Proclamation? Release of political prisoners.

(*b*) How many of these persons under each head have since been released, and what action is going to be taken with regard to the others and when?

(*c*) What is the total number of persons released from detention prior to the Royal Proclamation and how many of them have been so released on their undertaking to be of good behaviour or on other similar terms?

(*d*) With regard to these latter, are the conditions or restrictions imposed on them going to be removed in pursuance of the Royal Proclamation? If so, when?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) On the date of the recent Royal Proclamation the number of persons in detention owing to their participation in revolutionary conspiracy in Bengal was as follows:—

Under Bengal Regulation III of 1818 ..	64
Under the Defence of India Act	208
Under the Ingress into India Ordinance ..	1

(*b*) Ten of the persons detained under Regulation III have been released. The cases of the remainder are under consideration. In the Royal Proclamation His Excellency the Viceroy was directed to exercise the Royal clemency in the fullest measure which in his judgment was compatible with the public safety. It is necessary, therefore, that the merits of each case shall be scrutinised individually, and this is now being done.

All persons detained under the Defence of India Act and the Ingress Ordinance have been released.

(*c*) The total number of persons released from detention prior to the Royal Proclamation was 915, of whom 892 were released on security.

(*d*) It is not proposed to cancel the securities already given by persons released prior to the Royal Proclamation. These sureties constitute no restriction on any law abiding citizen. Such persons released are subject to no other conditions or restrictions."

By the Hon'ble Babu Bhabendra Chandra Ray:—

42.

(*a*) Do the Government anticipate any improvement in the general rice position of Bengal this year over that of last year? The rice position in Bengal.

(*b*) Have the Government any idea as to the sufficiency or otherwise of the present stock of rice in Bengal for purposes of domestic consumption till the next harvest?

(*c*) What are the present stocks of Burma rice, controlled and uncontrolled, in the various districts of Bengal and at what average rates do they sell now?

(*d*) What is the present average price of rice of the ordinary quality a the headquarters of each district and how does it compare with th respective prices that ruled during the corresponding periods of each of th last five years?

(*e*) Is any tendency of a rise in the price of rice noticeable at present?

(*f*) If so, how far is it due to natural causes?

(*g*) Are the Government in a position to state as to how far, if at all stocks of rice are being acquired by speculators for holding them up?

(*h*) Are the Government considering the desirability of deputing specia officers for making early inquiries into this matter at every important mar and of issuing instructions to the Subdivisional and Circle Officers an Panchayets generally to watch the movements of rice and other development in connection therewith, and keep Government regularly informed about th same?

(*i*) Is there any truth in the statement that in several places forwar sales of rice were made and standing crops disposed of at the instance o speculators this year?

(*j*) If so, was any such system in vogue in the rice trade ever before?

(*k*) Have the Government any approximate idea as to the extent t which the rice trade of Bengal has fallen into the hands of Marwaris durin these two years?

(*l*) What steps (if any) are the Government taking to preven "profiteering" in rice this year?

(*m*) Will the Government be pleased to state whether any restriction stil exists in transporting rice from one province to another, for the purpose o sale or otherwise, by railway?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) The rice outturn for the year 1919-20 of the Provinces of Biha and Orissa, Bengal and Assam, is estimated at over five million tons abov that of the previous year. This includes an excess of nearly one million ton in the Presidency of Bengal. The total rice outturn for 1919-20 of Indi and Burma may be estimated at over 34 million tons against a correspondin figure of nearly 24 million tons for the year 1918-19. Government, therefore anticipate a very considerable improvement as regards stocks.

(*b*) The present stock of rice in Bengal, including the balance of stand ing crops remaining uncut, is ample for the purposes of domestic consump tion till the next harvest. The estimate of the outturn of rice for the yea 1919-20 amounts to over eight million tons.

(*c*) A statement is laid on the table, showing the stocks and prices o controlled Burma rice. There are no stocks of uncontrolled Burma rice.

(*d*) A statement is laid on the table.

(*e*) The average price of common rice as shown in the *Calcutta Gazett* rose 0·65, 1·6 and 2·2 per cent. in the week ending the 8th January, 15t January and 22nd January, respectively.

(*f*) Fluctuations are not uncommon in January. Until therefore Government know whether the rise is permanent or temporary, they are not in a position to say that it is due to any unusual causes.

(*g*) Only a few District Officers state that such speculation exists But the general tendency in the present year appears to be for the cultivator and persons who obtain rice by way of rent or in return for loans to hold on more strongly to their stocks than they have done in the past. On the other hand, where stocks have been acquired in any quantities by large traders, they have been acquired for sale in deficit districts and in the hope that free movements of food stocks would be allowed to other provinces and abroad.

(*h*) Apart from the Director of Civil Supplies, who is in constant touch with the situation, a gazetted officer was appointed some time ago in each district to carry out the duties of District Economic Intelligence Officer and has standing instructions to cover the activities which the Hon'ble Member recommends.

(*i*) Almost all the District Officers report that there is no truth in the statement. It is presumed that the Hon'ble Member is not referring to ordinary mahajani loans granted on the security of the crop

(*j*) The question does not arise.

(*k*) In the periods under reference Marwaris have extended their operations in varying proportions as buyers in the larger mufassal centres; they have also widened their activities in the Calcutta rice trade. No estimate can be given of the extent to which the rice trade in Bengal has come into their hands during these years

(*l*) Government have taken measures with the intention of securing that the movements of rice both to other provinces and abroad are restricted by means of control.

(*m*) Transport of rice from one province to another by railway is still controlled "

A.

Statement referred to in the answer to question No. 12 (unstarred) showing the stocks of controlled Burma rice in the various districts of Bengal and the average rates at which they now sell.

Districts		Maunds	Prices per maund Rs. A. P.
Nadia	...	140	6 4 5
Jessore	...	3,000	6 10 [illegible]
Khulna	...	4,500	5 11 5
Hooghly	...	180	7 3 1
Darjeeling	...	1,500	7 9 11
Dacca	...	29,000	6 6 5
Mymensingh	...	10,000	6 4 5
Faridpur	...	5,500	6 6 5
Chittagong	...	1,000	5 2 [illegible]
Tippera	...	2,500	6 15 4

B.

Statement referred to in the answer to Question No. 42 (unstarred) of the price of ordinary quality of Bengal rice in the 3rd week of the months January 1915, 1916, 19 1918, 1919 and 1920 at the headquarters of districts.

NAME OF DISTRICT.	1915.	1916.	1917.	1918.	1919.	1920
	Per maund.	Per maund.	Per maund.	Per maund.	Per maund.	Per maund
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
24-Parganas ...	5 5 4	5 0 0	5 0 0	3 12 3	5 9 10	7 4
Nadia ...	4 8 1	5 6 1	4 0 0	3 10 2	5 5 4	8 0
Murshidabad ...	4 9 2	4 11 4	4 3 4	3 1 3	5 8 3	7 4
Jessore ...	5 0 0	5 11 5	5 0 0	4 0 0	5 0 0	6 10
Khulna ...	5 0 0	4 7 1	4 7 1	3 1 3	5 0 0	6 15
Burdwan ...	4 11 4	5 11 5	4 0 0	3 10 2	5 11 5	7 4
Birbhum ...	4 13 7	4 11 4	3 10 2	3 5 4	5 11 5	6 2
Bankura ...	4 3 4	5 0 0	3 12 11	3 1 3	5 5 4	6 10
Midnapore ...	4 13 7	4 9 8	3 15 7	2 15 8	5 3 3	6 10
Hooghly ...	5 0 0	5 11 5	4 11 4	3 10 2	5 11 5	8 6
Howrah ...	5 14 10	6 2 6	5 11 5	4 3 4	6 4 5	8 0
Rajshahi ...	5 5 4	5 11 5	4 11 4	4 0 0	5 7 6	6 10
Dinajpur ...	4 12 5	5 9 1	4 2 11	3 0 6	5 5 4	6 10
Jalpaiguri ...	5 0 0	4 7 1	4 9 2	3 10 2	5 5 4	7 4
Darjeeling ...	5 5 4	5 0 0	5 0 0	5 0 0	5 5 4	8 6
Rangpur ...	5 11 5	5 0 0	5 0 0	3 12 11	5 0 0	6 10
Bogra ...	5 14 10	4 11 4	4 0 0	2 15 5	4 13 7	6 7
Pabna ...	5 5 4	5 8 3	5 1 3	3 0 4	5 5 4	7 1
Malda ...	5 5 4	4 11 4	4 0 0	3 5 4	5 14 10	6 6
Dacca ..	5 14 10	5 5 4	5 0 0	3 3 2	5 2 7	6 10 8
Mymensingh ...	5 11 5	.....	5 8 3	3 7 8	5 5 4	6 10 8
Faridpur ...	5 2 7	5 5 4	5 0 0	3 5 4	5 11 5	7 4 4
Bakarganj ...	6 6 5	4 11 4	5 0 0	3 5 4	5 0 0	6 10 8
Chittagong ...	4 11 4	4 7 1	4 7 1	3 7 8	5 0 0	6 2 6
Tippera ...	5 2 7	5 3 11	4 11 4	3 1 3	5 0 0	6 7 5
Noakhali ...	5 0 0	5 0 0	4 7 1	3 10 2	4 11 4	6 10 8
Chittagong Hill Tracts	5 0 0	4 7 1	5 0 0	4 7 1	5 0 0	7 4 4

By the Hon'ble Babu Bhabendra Chandra Ray:—

43.

(*a*) Will the Government be pleased to state the details of the special scheme for the relief of *bhadralog* sufferers from the last cyclone in Bengal and the manner of its working?

Relief of the *bhadralog* sufferers from the recent cyclone.

(*b*) What amount has been spent under this scheme in each subdivision, and after what lapse of time from the date of the cyclone was relief under the said scheme first available in the respective subdivisional areas?

(*c*) What amounts have Government spent up to date for the relief of sufferers from the last cyclone in Bengal by way of gratuity and loan, respectively, and how much of the same has been obtained from the Government of India either in the shape of loans or special grants?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) to (*c*) The information required by the Hon'ble Member is being compiled and will be included in the final report on the operations for the relief of the distress caused by the cyclone which will be published in due course."

By the Hon'ble Sir Deba Prasad Sarbadhikari:—

44.

(*a*) Will the Government be pleased to state whether orders of the Secretary of State on the recommendations of the Public Services Commission relating to the Educational Services have been received by the Government of Bengal?

Recommendations of the Public Services Commission in regard to the Educational Services.

(*b*) If the answer to (*a*) be in the affirmative, will the Government be pleased to state—

(*i*) whether the proposal of the Commission to combine the Indian Educational Service and the Provincial Educational Service into a single service divided into two classes has been sanctioned

(*ii*) whether in future recruitment for the Indian Educational Service (or class I) is to be made partly in India by promotion of deserving officers of the Provincial Educational Service (or class II) and if so to what extent,

(*iii*) whether an incremental scale of pay will be introduced in place of the existing grade system in the Provincial Educational Service; and

(*iv*) from what date Government intend to give effect to the orders of the Secretary of State on the reorganization of the Provincial Educational Service?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The Secretary of State's orders on some of the recommendations of the Public Services Commission have been received. A copy of a *communiqué* issued by the Government of India on the subject is laid on the table

(*b*) (*i*) The superior branches of the Educational Services will be organized in two divisions, the higher branch being styled the Indian Educational Service, while the service which the Commission proposed to call Class II will be styled the Bengal Educational Service or generally, for convenience of reference, the Provincial Educational Service.

(*ii*) Officers of the Provincial Educational Service will be eligible for promotion to the Indian Educational Service. As qualified Indian candidates become available, it is proposed to work up to a proportion of 50 per cent. of Indian officers in the Indian Educational Service; this will be the average for the whole of India and variations will be permitted in different provinces. It is proposed to transfer to the Indian Educational Service such posts as will always have to be filled by officers of superior attainments, and this will involve the promotion to the Indian Educational Service of their incumbents; but no proportion has been fixed for the posts which should be filled by promotion from the Provincial Educational Service.

(*iii*) It has been decided that the Provincial Educational Service should carry a minimum pay of Rs. 250 and a maximum pay of Rs. 800 a month. The Government of Bengal will settle the grading.

(*iv*) Both the services will be divided into administrative, collegiate and special branches, and it will be necessary to allocate posts to each branch, as well as to decide what posts should be included in the Indian Educational Service and Provincial Educational Service. The proposals of this Government for the reclassification of posts to the Indian Educational Service and the transfer of their incumbents to that service will have to be submitted to the Government of India, and it is at present impossible to state the date on which the reorganization will come into effect."

Communique referred to in the Answer to Question No. 44 (unstarred) of the 3rd February, 1920.

INDIAN EDUCATIONAL SERVICE.

COMMUNIQUE AS TO PAY, LEAVE AND PENSION.

1 The Secretary of State for India announces that the following revised rates of pay for the Indian Educational Service have been approved. They will take effect from 1st December 1919:—

2. *Time Scale.*

Year of Service	Age	Pay	Overseas Allowance for Officers of non-Indian Domicile	Total of Pay and Overseas Allowance
			Rupees per Mensem.	
1st	25	400	150	550
2nd	26	450	150	600
3rd	27	500	150	650
4th	28	550	150	700
5th	29	600	150	750
6th	30	600	200	800
7th	31	650	200	850
8th	32	700	200	900
9th	33	750	250	1,000
10th	34	800	250	1,050
11th	35	850	250	1,100
12th	36	900	250	1,150
13th	37	950	250	1,200
14th	38	1,000	250	1,250
15th	39	1,000	250	1,250
16th	40	1,050	250	1,300
17th	41	1,100	250	1,350
18th	42	1,150	250	1,400
19th	43	1,200	250	1,450
20th	44	1,250	250	1,500

Selection posts :—	Pay	Overseas Allowance for Officers of non-Indian Domicile	Total of Pay and Overseas Allowance
	Rs.	Rs.	Rs.
For 15 per cent. of cadre ...	1,250	250	1,500
	1,300	250	1,550
	1,350	250	1,600
	1,400	250	1,650
	1,450	250	1,700
	1,500	250	1,750
For 5 per cent. of cadre ...	1,550	250	1,800
	1,650	250	1,900
	1,750	250	2,000

3. In applying the above scale to future entrants, both initial salary and date of increments will be determined by age. 25 years of age has been taken as the normal starting point for the scale, and the initial pay in the case of candidates over 25 at the time of appointment will ordinarily be Rs. 50 a month higher for each year above that age. A candidate appointed under the age of 25 will receive the minimum pay of the scale (Rs. 400), *plus* overseas allowance if qualified for it, until his 26th birthday, and a candidate appointed at or over 25 years of age will qualify for increment on attaining his next birthday after joining his appointment irrespective of the length of his service. Seniority will, as at present, reckon from the date of taking up appointment. The overseas allowance will be issuable only to officers of non-Indian domicile.

4. As regards existing members of the Service, the above scale will be applied as an ordinary time scale by years of service (as indicated in column 1 in the scale); but any officers who are at present drawing higher pay than their years of service would warrant (*i.e.*, officers who have entered the Service on higher initial pay than usual by reason of special qualifications) will retain their advantage.

5. In addition to the pay and overseas allowance above stated, each Principal of a College will receive an allowance of Rs. 150 a month and one Principal in each Province selected by the Local Government will receive an allowance of Rs. 250 a month.

6. The pay of Directors of Public Instruction will be as follows:—

Province.	Pay.
	Rs.
Madras	2,500—100—3,000
Bombay	
Bengal	
United Provinces	2,250—100—2,750
Punjab	
Burma	
Bihar and Orissa	
Central Provinces	2,000—100—2,500
Assam	1,500—100—2,000
North-West Frontier Province ...	1,500

These rates will apply in the case of all incumbents, whether recruited in England or in India. Directors in Assam and in the North-West Frontier Province, if in a selection post, will receive the pay of that post, including overseas allowance, *plus* a local allowance of Rs. 250 in the case of Assam, and Rs. 150 in the case of the North-West Frontier Province, if the total thus arrived at would exceed the amounts stated above.

7. The revised scale as a whole represents a substantial increase on the rates at present in force as well as on those recommended by the Royal Commission on the Public Services in India.

8. Apart from the increase of pay, important improvements in regard to leave and pensions have been sanctioned.

Leave.—Various restrictions on the grant of leave have been abolished, or modified, and an officer will now be permitted, within certain limits, to exchange a portion of leave on half average salary for half the amount on full average salary. Privilege leave may now be accumulated up to four months.

Pensions.—Subject to the right of Government to retain an officer in the Service until completion of 30 years' service, or attainment of the age of 55, he will henceforth be permitted to retire, if he so desires, after 25 years' qualifying service, on a

pension ordinarily amounting to Rs. 5,000. For longer service the pensions will ordinarily be—

	Rs.		Rs.
26 years ...	5,200	29 years ...	5,800
27 „ ...	5,400	30 „ ...	6,000
28 „ ...	5,600		

For specially efficient service in certain high appointments additional pensions may be granted up to maxima of Rs. 1,500 or Rs. 2,500. These additional pensions will be conditional, *inter alia*, on the officer having rendered total qualifying service of 28 years. It will thus be possible for an officer in certain circumstances to attain to a maximum pension of Rs. 7,500 or Rs. 8,500.

9. The new scale of pay will apply to male officers of the Indian Educational Service only. The question of the Women's Educational Service is being considered separately.

23rd December 1919.

By the Hon'ble Babu Akhil Chandra Datta:—

45.

rovision of ghts in trains etween Bandel nd Naihati

(*a*) Are the Government aware that no lights are provided in trains running between Bandel and Naihati during the small hours of the morning, and that passengers find the greatest difficulty in getting into the train and finding accommodation in dark compartments?

(*b*) Are the Government considering the desirability of taking steps for the removal of this grievance?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) No. The East Indian Railway Administration report that the Naihati Branch service of trains begins running from Bandel at 5-32 A.M. and ceases at 23-10 hours each day. Oil roof lamps are provided in the carriages and these are lighted in the early morning and at night

(*b*) The question does not arise."

By the Hon'ble Babu Akhil Chandra Datta:—

46.

lleged vercrowding f inter-class ompartments n trains unning to and om Howrah

(*a*) Are the Government aware that more than the allotted number of passengers are generally put into the inter-class compartments (both male and female) in all the trains running from and to Howrah?

(*b*) Is it not a fact that it not infrequently happens that so many passengers are pressed into one compartment that they cannot obtain even standing accommodation?

(*c*) Are the Government considering the desirability of taking steps for the removal of this grievance?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) The East Indian and Bengal-Nagpur Railway Administrations report that the number of inter-class passengers travelling to and from Howrah is not usually in excess of the number for whom carriages are provided.

(*b*) There are occasions when without warning a number of inter-class passengers, in excess of the accommodation usually provided and found sufficient, desire to travel by and insist in entering the inter-class compartments of a particular train. Overcrowding on these occasions cannot at short notice be avoided without inconvenience to inter and other classes of passengers.

Overcrowding is not encouraged and is checked by the Railway Administrations as far as possible.

(*c*) The Railway Administrations are aware of the inconvenience due to overcrowding of compartments and are considering means for relieving the same in cases where it can be foreseen."

LIST OF BUSINESS—ITEM No. 3.

The Hon'ble Mr. Stephenson laid on the table a statement* containing the information promised in his reply to question No. 12 (unstarred) asked at the Council meeting on the 19th November, 1919.

THE PRESIDENT'S ADDRESS.

His Excellency the President said:—

"Gentlemen, since this Council last met the Reforms Bill has become the Reforms Act and we are therefore now started upon a road involving constitutional changes of great magnitude. Under these circumstances, it will be clear to everybody that between the actual passage of the Bill into law which has recently taken place and the putting into operation of its provisions, a considerable period must elapse during which much spade work has to be done. For reasons which will be apparent before I sit down, I propose to mention quite briefly some of the chief matters which will have to be considered and in respect of which decisions will have to be come to before the provisions of the Reforms Act can actually be put into operation. These questions may roughly be said to fall under four main heads. In the first place, there is the constitution of three different chambers—the Provincial Legislative Council, the Legislative Assembly and the Council of State—and it will devolve upon us to frame a franchise which will be applicable to each of these three bodies. Under the second head comes the machinery which we shall have to create for carrying out the election to these bodies. Then under head three comes the rearrangement of the machinery of Government which will be necessary as the result of the introduction of the system which has come to be known as diarchy under which the functions of Government will be allocated to and discharged by two separate bodies. Lastly, we shall have to consider the preparation of Rules under the Act for giving effect to the decisions which are arrived at with regard to the main questions to which I have already referred, and also Rules to regulate the procedure of the new Councils

The Joint Committee of the two Houses of Parliament have made certain recommendations in their Report which will have the effect of modifying the constitution of the Provincial Legislative Council which was proposed by the

* Not published in these proceedings.

Franchise Committee. For example, they have instructed us to arrange for an increase in rural representation as compared with urban representation. They have also instructed us to endeavour to arrange for the representation of urban, wage-earning classes and they have suggested that, in some Provinces at any rate, the question of giving greater representation to those classes which are generally known as the depressed classes should be undertaken and one or two other minor readjustments made which may affect, possibly, the representation in the Council of landlords and the European community. All these questions will immediately come under the consideration of Government and until decisions have been arrived at on these particular points the constitution of the Provincial Legislative Council cannot be described as final. With regard to the Legislative Council and the Council of State, the Government of India have already made provisional allotments of elective seats in each of these bodies to the various provinces and they have invited an expression of opinion on the suitability of their proposals.

Then with regard to the question of the franchise. The question of the franchise to these two bodies, namely, the Legislative Assembly and the Council of State, is one which will require very careful consideration and indeed is one of no small difficulty. The Joint Committee have issued an instruction that representation to these two bodies is to be obtained by direct election. The problem, therefore, which we have to face is that of devising a franchise for the electors to each of these two Chambers which will furnish an electorate appropriate both in status and in numbers. Then with regard to our Legislative Council in Bengal, the preparation of an electoral roll will be an undertaking of great magnitude. The cess qualification which will give the franchise to the cultivating class goes outside the scope of any of our up-to-date official records, and we shall have to invite the co-operation of village officials in drawing up our election rolls. The printing of the rolls themselves will present a problem which is by no means an easy one and we shall have to try and find a convenient procedure for dealing with objections and for the correction of electoral rolls before they are finally published. A Bill to prevent corrupt practices at the elections and to provide for the disposal of electoral petitions will also have to be considered.

The machinery itself for carrying out these elections will also call for careful consideration. That, I think, will be obvious to everybody when I remind you that the number of voters at elections which have been held up to the present time under the existing system have not aggregated more than twelve thousand whereas we anticipate that the number of electors all told with whom we shall have to deal when the Reforms Scheme comes into operation will be approximately a million and a half. This large number of electors, together with the fact that elections to the three separate Chambers will have to take place almost simultaneously, will obviously impose a very severe strain upon the officials who are responsible for carrying the elections through. It will necessitate the organisation of all our resources in this respect as well as the simplification and perfection as far as possible of what may be described as the mechanical means of carrying the elections through. We shall have to give much consideration to the question of the advisability of trying to introduce a system of election by ballot in preference to the ordinary open recording of votes. We shall also have to consider the difficulties which must necessarily arise when we have a large electorate consisting to a great extent of illiterate peasants and the difficulties arising out of the identification of voters and the prevention of impersonation; and we shall have to consider also the question of the number of polling stations and of the number of recording officers required to carry the elections through in as short a time as possible.

Then, of course, there are a number of Rules which will have to be drafted to deal with many questions besides those to which I have referred. The Reforms Act, as you are no doubt aware, leaves the completion of some of its main provisions to Rules and Regulations and all these Rules and Regulations will have to be carefully considered and decisions arrived at with regard to them before it is possible to hold a general election. The Government have not allowed the grass to grow under their feet. They have already taken these questions in hand. We have deputed a special officer to devote his whole time and attention to assisting us in solving those main problems. But we fully realise that all these questions are matters which are necessarily of considerable interest to the general public and in particular to that part of the public which at the present time plays a part in public life; and we are anxious, therefore, to consult, so far as that is possible, representatives of the public before coming to final decisions upon these questions.

It is quite obvious, I think, that if the provisions of the Reforms Act are to be brought into operation within any reasonable period it would be quite impossible for us to adopt the ordinary procedure of circulating this vast number of detailed questions to individuals and public bodies for their opinion. We all know how long it takes to obtain the considered opinion of public bodies on any matter and were we to endeavour to obtain the advice of the public in that way I am afraid that the first general election under the Reforms Act would be in some danger of being postponed to the Greek Kalends.

But I think there is another way in which we may be able to obtain the assistance of the public and that is through their representatives in this Chamber, and what I suggest is this, that the non-official members of this Council should nominate from among themselves a small body who would be prepared to give us advice upon all these questions as we submit them to them. Such a Committee would have to be more or less in perpetual session, that is to say they would have to be easily accessible to us and would have to be in a position to consider the questions we submit to them with as little delay as possible. If this suggestion meets with the approval of the Council, I would suggest that at the conclusion of to-day's proceedings the non-official members should proceed to create such a body. They will no doubt desire that all the main interests represented in this Council should find representation on such a Committee. At the same time I would suggest that subject to that important consideration the Committee should not be larger than necessary. The questions which the Committee will have to consider will be numerous and in some cases will be surrounded by matters of detail, and the smaller and more business-like the Committee, therefore, the greater chance will they have of assisting Government without undue delay. On the assumption that you will be prepared to consider this proposal I intend to ask Sir Henry Wheeler to take the chair at the conclusion of our proceedings to-day when you can informally discuss my suggestion and in the event of its meeting with your approval proceed to elect such a Committee as I have proposed."

LIST OF BUSINESS—ITEM No. 4.

THE BENGAL CRUELTY TO ANIMALS BILL, 1919.

The Hon'ble Sir Henry Wheeler moved that the Report of the Select Committee on the Bengal Cruelty to Animals Bill, 1919, be taken into consideration.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 5.

The Hon'ble Sir Henry Wheeler moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

AMENDMENTS

TO

THE BENGAL CRUELTY TO ANIMALS BILL, 1919.

(APPENDIX TO THE LIST OF BUSINESS.)

Amendment No. 1.

Clause 1.

The Hon'ble Sir Henry Wheeler moved that for the figures "1919," at the end of sub-clause (*1*) of clause 1, the figures "1920" be substituted.

The motion was put and agreed to.

Amendment No. 2.

Clause 7 (now clause 6).

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that after the word "it," in line 7 of clause 7 (now clause 6), the following be inserted, namely :—

"who has knowledge that *phuka* operations are being performed on the animal."

He said—

"My Lord, I have asked for this amendment in view of the fact that an owner of the cow or other milch animal and any person in possession of or control over it ought not to be convicted when he has no knowledge that the operation was being done on the animal. To say the least, in order to constitute an offence, there must be at least the knowledge connecting the act with the effect. If the owner does not know that the operation of *phuka* on the animal is to be done or is being done, he ought not be punished. I leave this matter for the decision of the Council."

The Hon'ble Sir Henry Wheeler said:—

"My Lord I cannot advise the Council to accept this amendment, which if adopted, would practically frustrate the intention with which we made this addition to the previously existing section. It will be remembered that in three clauses of the Bill we sought originally to impose an additional

obligation on owners and persons in control of animals for the prevention of certain forms of offence. In clause 6 (new clause 5) the owner or the person in control was made responsible to a certain degree in the matter of overloading, in clause 7 (now clause 6) in the matter of *phuka* and in clause 11 in the matter of using an unfit animal. That liability was absolute in the Bill as originally drafted. When opinions were received on the Bill, we found that there were a certain number of people who thought that we were treating owners, etc., rather hardly, and therefore in the Select Committee we limited the liability, that is to say, we only made the owner, etc., responsible if he failed to exercise reasonable care and supervision in so far as clauses 6 (now clause 5) and 11 (now clause 10) were concerned. But we did not make a similar change in clause 7 (now clause 6), because we thought that an owner could reasonably be required to take precautions to ensure that *phuka* was not practised. If it was, it must necessarily go on under his eyes, and it is up to him to see that his servants or whoever is in charge are not guilty of that offence. That was the view of the Select Committee, and I personally adhere to it. If the amendment is adopted, the whole utility of the clause is impaired, while the amendment goes far further than even the alterations which we made in clauses 6 (now clause 5) and 11 (now clause 10). We there said that an owner, etc., should only be liable if he failed to exercise reasonable care and supervision. The amendment would exempt the owner if he did not know what was going on, and unless we actually caught him present at the operation (in which event we probably would not require the extended liability at all) he could always say that he did not know what was happening and would thus get off, since it would be very difficult to prove the contrary."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said:—

"My Lord, the principle of the amendment is very clear. The owner of an animal is not present at the time when the *phuka* operation goes on, and if he has no knowledge, I submit respectfully that he ought not to be criminally prosecuted, convicted or punished. It is a well-known principle of criminal law that the party to be punished must have knowledge of the thing for which he is charged. Looking into the scope of the whole Bill it appears that this has not been lost sight of. If the argument is to be that the owner is to exercise reasonable diligence in such matters, my submission is that when the punishment is a subject matter of consideration is it not necessary that the party to be punished had knowledge of the act for which he is being punished? That is the view, my Lord, which I have taken and for which I press this matter for the decision of this Council."

The motion was then put and lost.

Amendment No. 3.

Clause 8 (now clause 7).

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that after the word "class," at the end of the proviso to clause 8 (now clause 7), the following be added, namely :—

"or for any *bonâ fide* scientific purpose or for the preparation of any medicinal drug."

He said—

"My Lord, Hon'ble Members may be aware that live goats are buried in the earth and medicines are prepared from the meat such as *Brehat Chagladye Greto*, *Brehat Aswagandhe Greto*, *Amrito Pras Greto*, *Brehat Satabord Greto*, *Brinhal Greto*, and medicinal oil such as Mahamastoila, Gopal oil, etc. These medicines cure many diseases. The preparations of these medicines in the above manner are prescribed in the famous Ayurvedic books *Vhaisaya Ratnabali*, *Chorok Dutta*, *Chorok Sonhita*, *Susrata Sonhita* and other books which are said to be three thousand years old. And as a matter of fact these medicines are found to be highly efficacious in many diseases and the Government ought not to put a stop to it by introducing an Act which would penalise people who prepare these medicinal drugs."

The Hon'ble Sir Henry Wheeler said:—

"Sir, clause 8 (now clause 7) of the Bill is the clause which deals with the killing of an animal in an unnecessarily cruel manner, with a proviso saving the killing of an animal in a manner required by religion, religious rites or usage. That proviso follows section 11 of Act XI of 1890, and it has been found sufficient to protect any person acting *bonâ fide* from unnecessary prosecution ; it could be argued, therefore, that it will prove sufficient even without the addition which the Hon'ble Member now proposes, namely, to provide safeguards for those who kill an animal for any *bonâ fide* scientific purpose or for the preparation of any medicinal drug. That safeguard was not inserted before, and no harm has resulted from its absence It is arguable, however, that we should definitely exempt cases in which the life of an animal is taken, say, in the course of experiments with inoculation or, as I also understand, in the preparation of certain drugs used in indigenous medicine by the killing of animals in a way which would strike the ordinary person as cruel. We have no objection to inserting the amendment in the Bill."

The motion was then put and agreed to.

Amendment No. 4.

Clause 9.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that after the word "manner," in line 3 of clause 9 (now clause 8), the following be inserted, namely :—

"so as to constitute an offence under section 8 (now section 7)."

He said—

"My Lord, this amendment is necessary. This is a section which provides a penalty for being in possession of the skin of a goat killed with unnecessary cruelty. Reference ought to be made in this clause to the proviso to clause 8 (now clause 7). And I think the addition of

those words supplies an omission. If the killing in certain circumstances is not to be regarded as an offence, possession of the skin of a goat so killed should not be an offence."

The Hon'ble Sir Henry Wheeler said:—

"Here again, Sir, the amendment is perhaps more theoretically arguable than practically obligatory. The clause in the Bill is a repetition of a section in an existing Act, XIV of 1917, which has worked all right. But in the reference to 'an unnecessarily cruel manner' we do mean 'unnecessarily cruel' in the sense that those words are used in clause 8 (now clause 7), and as the amendment only proposes to make that clear, we have no objection to accepting it."

The motion was then put and agreed to.

Amendment No. 5.

Clause 23 (now clause 22).

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that for the word "Magistrate" at the end of sub-clause (2) of clause 23 (now clause 22), the following be substituted, namely:—

"nearest Magistrate competent to pass the maximum punishment prescribed under this Act."

He said—

"My Lord, these words are necessary because the word 'Magistrate' as put in the clause is vague. It may be necessary in some cases to inflict the maximum punishment, and if in that case the animal is produced before a Magistrate who under the Criminal Procedure Code is not vested with power to inflict such maximum punishment, the object of the Act would be frustrated. The mere insertion of the word 'Magistrate' will not prevent a man from taking the animal to a third class Magistrate whereas the proposed substitution would have the effect of compelling the production of a man before a Magistrate who is competent to punish the accused adequately."

The Hon'ble Sir Henry Wheeler said:—

"Sir, we are not prepared to accept this amendment partly because we regard it as unnecessary, and partly because it introduces a limitation which is in some ways undesirable. The clause in question is that which enables a veterinary inspector to seize an animal which is unfit and either to send it to an infirmary, or, if he considers a prosecution is necessary, or the owner so elects, to direct a prosecution and produce the animal before a Magistrate. What the amendment really means is that that Magistrate must be a second class Magistrate. Ordinarily the animal would doubtless be produced before a Magistrate of the second class, but there is no reason why it should not be produced before a Magistrate of a lower class, and according to the Code of Criminal Procedure, third class Magistrates can also take cognizance of an offence although it may be triable only by a Magistrate of a higher class. The sending of the animal to the infirmary in accordance with clause 24 (now clause 23) need not, again, necessarily be done by a Magistrate of the second class, although, as I have said, ordinarily it will be so done. Therefore, I think the amendment is unnecessary, and I would deprecate its adoption."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, as the Bill shows the word 'magistrate' is mentioned and nothing more than that. Then the question is that the accused is to be brought before a magistrate. It is not here a case of recording a confession that the accused is to be brought before any magistrate. The point is that the magistrate must be a competent magistrate. He is brought before a magistrate of the third class and then it is found that such a magistrate has no power to take up the case which is brought before him. The accused is put to great difficulty, and he is brought before another magistrate who is competent to take up the case. So in order to avoid all these difficulties I consider that my amendment should be accepted."

The motion was then put and lost.

AMENDMENT No. 6.

Clause 25 (now clause 24).

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that the words "but the owner shall not be liable to make any payment in excess of the proceeds of the sale," in lines 4 and 5 of sub-clause (*4*) of clause 25 (now clause 24), be omitted.

He said :—

"My Lord, I think it would not be proper to retain these words. Take for instance a case in which an animal worth Rs. 25 is kept in the infirmary for a sufficient length of time so as to entail an expenditure of, say, Rs. 30 or Rs. 40. In that case, if we retain the above words in the clause, the owner cannot be compelled to pay more than Rs. 25. I suggest that the excess amount should also be realized from the owner."

The Hon'ble Sir Henry Wheeler said :—

"Sir, after the solicitude which the Hon'ble Member showed for the rights of owners in connection with another clause, I am rather surprised that he should try to whittle away a degree of protection to an owner which the Bill extends. In certain eventualities an animal is taken to an infirmary; it is there treated and fees become payable. If the owner refuses or neglects to pay, or if he refuses to remove the animal, the animal may be sold, and what the Bill says is that the owner in that event shall not be liable to pay on account of infirmary fees, more than the price which the animal may fetch at auction. To this extent it is therefore a protection to the owner. Personally I do not mind much if that protection is taken away, but I think the amendment will not commend itself to the majority and, in that view, I would not accept it."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"In coming forward to criticise the provisions of a Bill we always take both sides of the question into consideration. We think it necessary to put forward before the Council what would be the consequence of a concrete case and with that view, my Lord, I have come to the Council with such an amendment. I am very thankful to Sir Henry Wheeler for reminding me that I had great solicitude for the owner in putting forward another amendment, but at the same time I submit that when a Bill is drafted and is brought

before the Council all shades of the question have to be discussed, and I have put forward a concrete instance."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 6.

The Hon'ble Sir Henry Wheeler moved that the Secretary be directed to renumber the clauses and sub-clauses of the Bill in consecutive order and to make corresponding alterations in all cross references thereto.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 7.

The Hon'ble Sir Henry Wheeler moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 8.

THE EASTERN FRONTIER RIFLES (BENGAL BATTALION) BILL, 1920.

The Hon'ble Sir Henry Wheeler presented the Report of the Select Committee on the Eastern Frontier Rifles (Bengal Battalion) Bill, 1920.

He said :—

"My Lord, assuming the soundness of the reasons for making the changes in nomenclature which I explained when the Bill was introduced, the Bill itself becomes one of making consequential verbal amendments. In that view it was regarded by the Select Committee, and it will be observed that we, therefore, propose that the Bill be passed as introduced."

RESOLUTIONS.

LIST OF BUSINESS—ITEM No. 9.

His Excellency the President said :—

"Hon'ble Members will observe that items Nos. 9-17, inclusive, deal with matters which, I think, should be decided by non-official Members of the Council and I, therefore, propose to ask the official Members of the Council to leave the decisions upon these resolutions to their non-official colleagues.

"I would, however, point out to the Hon'ble Member in whose name No. 16 stands, namely, the Hon'ble Babu Surendra Nath Ray, that the first part of his proposed resolution[1] is covered by item No. 9, namely, the resolution standing in the name of the Hon'ble Rai Radha Charan Pal Bahadur. In these circumstances it will not be in order for the Hon'ble Babu Surendra Nath Ray to move his resolution, but if he desires to do so, he will of course speak upon item No. 9."

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[1] The first part of the resolution was as follows :—

"This Council recommends to the Governor in Council that the grateful thanks of the non-official Members of this Council be conveyed (1) to His Majesty the King-Emperor for His gracious message of the 23rd December last."

Rai Radha Charan Pal Bahadur.

The Hon'ble Rai Radha Charan Pal Bahadur moved the following resolution :—

"This Council recommends to the Governor in Council that a message expressing the loyal and dutiful homage of the people of this Presidency be respectfully conveyed to His Imperial Majesty the King-Emperor, and that the profound gratitude of the people be conveyed to His Majesty for His gracious Proclamation of the 23rd December last and for giving His Royal assent to the Government of India Bill passed by Parliament, and also for His Royal condescension in announcing his intention to depute His Royal Highness the Prince of Wales to visit India as His Majesty's representative for the purpose of inaugurating the new constitution; and this Council tenders its respectful assurance to His Majesty the King-Emperor that His Royal Highness the Prince of Wales will receive a most cordial and enthusiastic welcome from the people of this Presidency."

He said :—

"The Royal Proclamation of our Gracious Sovereign has stirred the hearts of our people to their inmost depths. The remarkable unanimity and spontaneous outburst of joy and gratitude with which the Proclamation has been received throughout the length and breadth of the country is an index of the love and attachment of the people to the Throne. There is in it a true ring of sincerity, of deep and abiding sympathy, love and solicitude for the advancement of India which has appealed to the imagination of the teeming millions under His Majesty's sway and has cemented the bond of union and strengthened the ties between India and England. King George before he ascended the throne had manifested on every possible occasion his sincere desire to promote the happiness and contentment of the people of India, which has found expression at different times, and we believe that the change in the angle of vision of His Majesty's Government is not a little due to the influence and example of His Gracious Majesty.

The Proclamation of His Majesty is not a conventional pronouncement. In giving his seal of assent to the Government of India Act, he has declared in no uncertain voice that India is now set firmly and definitely on the road to responsible government, which is indeed the legitimate aspiration of the people. He sympathizes with their aspirations and rejoices that they are now about to be fulfilled. He exhorts both his people and his officers to make the great measure a success. Democratic institutions are not alien to the genius of our race because no other nation on the face of the earth differing so widely from the British people in race, language and literatue, in history and traditions has been able to assimilate the best elements of western culture and knowledge and western ideals of civic and political life as we, the inheritors of an ancient culture and civilization which are to this day objects of admiration to the world. The activity and onward march of intellectual life of the people under British rule, which have met with Royal approbation, are apparent in every direction. Whether in the domain of law and literature, science or medicine, religion or morals, politics or the public services, we have produced men who are deemed a credit to any country in the world. I may be pardoned for indulging in a legitimate pride in saying that the genius of Bengal, in spite of our controversies and criticisms and apparent dissensions will rise to the height of the occasion and prove its fitness not only in the sphere of administration but also in the region of Parliamentary government. We realize that a grave responsibility is devolving on us. The time for discussion of the adequacy or inadequacy of the reforms has passed away. It is now our duty to concentrate our energies and put forth our abilities in a true spirit of patriotism to ensure its success and to justify our claims to a quicker march to the goal of complete responsible government.

Rai Radha Charan Pal Bahadur.

The party spirit, which is now so rife amongst us, is in every country concomitant of popular government and active public life. The spirit of rivalry in the service of our common motherland proceeds from the patriotic desire of us all to offer our best services to our people. I appeal to our countrymen not to forget in the heat of party warfare that the success of the reforms upon which His Imperial Majesty has set his heart is a matter of national honour with us and we should all do our best to vindicate that honour. In the field of sanitation, education, industrial and agricultural development, there is unlimited work for us all, and if every educated Indian does his little bit in the furtherance of his country's interests, regardless of individual political views, I feel sure that our national government will be fruitful of benefits to the country at large. The eyes of the whole world are upon us and we shall be judged as to our capacity to govern ourselves by our success or failure. It is possible, nay it is more than likely, that we may make mistakes in the beginning, but I am quite confident that the sympathy and co-operation of the members of the Civil Service who have reared this ground fabric of administration will not be witheld from us. I hope and trust that His Majesty's exhortations will be loyally acted upon. It is British connection, British influence and British example that have made India vibrate with the pulsation of a new life. What Macaulay longed for in the exuberance of his imagination and with a legitimate sense of pride in the beneficience of British rule has been realized to-day. The destinies of India have been so moulded by the kindly hand of Britain that Indians are now declared fit to be endowed with responsible government, and the authors of this measure have taken the precaution so to frame it as to enable the Indians to attain by light of experience and practical work the full measure of self-government within a measurable distance of time. Amongst our countrymen, there are some who consider that a larger measure of self-government ought to have been conceded from the very beginning, while a section of the European community consider that too much has been conceded. Everyone is entitled to his own opinion, and we should not grudge honest differences. But as the Act is now the law of the land, in all loyalty to the King and the constitution, and following His Majesty's wise counsel, let us now banish all bitterness from our mind. The controversy is at an end. The time for practical work has now come. Let us set ourselves to work, heart within and God overhead and achieve the consummation of full and responsible government so devoutly to be wished for. Now is the time for all parties to unite and seriously to consider what steps should be taken to press upon the Committee appointed to adjust the financial relations between the Imperial and Provincial Governments, the needs of the country and the necessity for a liberal financial adjustment in order to enable our newly-constituted Provincial Government so to administer the affairs of the Presidency as in the words of His Majesty will contribute to the greater happiness and well-being of the masses.

A momentous change is taking place. King George is the presiding genius at this period of transition. To him the millions of India whatever their divergent views in politics may be, with one acclaim offer their hearts' homage for his love, confidence and trust in them and for his sympathetic and wise guidance at this glorious epoch in the history of our country. He is enthroned in the hearts of us all and may he long rule over us.

The amnesty graciously granted by His Majesty has restored the bright sunshine of happiness in many a home, and loyal India feels profoundly grateful to him. It should be the endeavour of every person to cherish this mark of Royal favour by co-operating in the maintenance of peaceful, orderly and progressive Government as desired by His Majesty.

His Majesty has been graciously pleased to announce that he would depute his dear son, the Prince of Wales, to inaugurate the new constitution

Rai Radha Charan Pal Bahadur.

There is a chorus of welcome awaiting him from all parts of India. His Royal Highness comes here as the representative of our Sovereign charged with a great mission and the people of Bengal, who are ever foremost in according the most loyal and enthusiastic welcome to the Princes of the blood Royal, will tender their hearts' homage to him on that unique occasion."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, the whole country is grateful to His Imperial Majesty the King Emperor for the very gracious Proclamation of the 23rd December last. It has touched the inmost feelings of our heart. At a time when the whole of India, no matter whether extremists, moderates or nationalists, Hindus, Muhammadans, Sikhs or Pathans, were agitated and convulsed by the disclosures of the incidents in the Punjab, the Royal Proclamation came as a balm to heal the wound. It is therefore with a loyal heart that we offer our devoted thanks for the kind message of sympathy and encouragement with which that Proclamation is replete and which shows the warmth of feeling and sincerity of heart of His Imperial Majesty.

There are three announcements in the Proclamation—(*i*) the passing of the Government of India Act ; (*ii*) the Amnesty to political prisoners, and (*iii*) the proposal for the constitution of a Council of Princes.

As regards the Government of India Act, the Proclamation makes note of one most important fact and makes one very important announcement. It states, 'there is one gift which yet remains and without which the progress of a country cannot be consummated—the right of her people to direct her affairs and safeguard her interests . . . . . The control of her domestic concerns is a burden which India may legitimately aspire to taking upon her own shoulders.' It is for the first time that this announcement is made and steps taken to put us on the threshold of what may lead to responsible government.

My Lord, there are moments when sovereigns do the right thing and in fact capture the imagination of their subjects by showing their sympathy with their aspirations. India is a loyal country. Indians are by nature grateful, loyal and devoted to their ruler ; Indians are touched by the slightest acts of sympathy. It is therefore no wonder that His Majesty's Proclamation has had the effect of pacifying and soothing those who were discontented. If in the year 1911 His Imperial Majesty while in India held out words of hope, by the Proclamation of December last and by giving his Royal assent to the Government of India Act, he has partially fulfilled our hopes. The solemn declaration made by His Minister, I mean the Right Hon'ble Mr. Montagu, on the 20th August 1917 has been to some extent carried out. I believe that the policy of His Majesty's Government, as notified in the said declaration of the 20th August, that of increasing association of Indians in every branch of administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire, will be fulfilled by the new Reforms Act. I do not say that we have reached the goal of our ambition and that we are to rest satisfied with what we have got. But I believe with many of my distinguished countrymen that the reforms will enable us to advance further towards our goal, that the reforms will be a stepping-stone to responsible government, and to use the words of the Royal Proclamation 'there now lies before us a definite step on the road to responsible government.'

Educated Indians who form the backbone of Indian society will ever remain true and loyal to the British Government. They know full well that it is the British Government which has raised them to the level of a

progressive people, and that the safety and welfare of the country depends on the supremacy of the British Government. It may be that there will be agitation in the country for larger powers than the present Act gives us before the statutory period of ten years has expired, but that will not be unusual—I would even go further and say that it will be not unreasonable. My Lord, you cannot command the surging waves of the sea and say unto them 'Thus far shalt thou go and no further and here shalt thy proud waves be staid.' A new spirit has dawned upon the country—why, it has dawned upon the world. The new idea of Nationality has caught hold of the educated mind in this country and has convulsed society here and in the Continent of Europe. Phenomenal rise of Japan in the Far East and the destruction of the military autocracies—even of the Holy Roman Empire in the west like a house of cards—have given an electric shock to the old-world ideas and beliefs. It is not necessary for me to point out or to reiterate that the new Act is a step towards responsible government. The trusted leaders of the people, sincere friends and well-wishers of India, are unanimous in that opinion. Captain Ormsby-Gore, one of the members of the Joint Committee of Parliament, says, 'There is a new conception of Empire, and India's march towards the status of a self-governing dominion, away from the status of a Dependency, has begun.' We, therefore, welcome the measure and convey to His Imperial Majesty our heartfelt gratitude for having given his Royal assent to it.

The Proclamation gives amnesty to political prisoners and His Majesty's words cannot fail to give rise to sincere feelings of gratitude, not only to the public but to the political prisoners themselves. It is needless to say that the Reforms Act without the amnesty would have fallen flat on the country. His Majesty says, 'It is my earnest desire at this time that so far as possible any trace of bitterness between my people and those who are responsible for my government should be obliterated. Let those who in their eagerness for political progress have broken the law in the past respect it in the future. Let it become possible for those who are charged with the maintenance of peaceful and orderly government to forget extravagances they have had to curb. A new era is opening. Let it begin with a common determination among my people and my officers to work together for a common purpose.' We hope and trust that those to whom these words have been addressed will carry them out in the spirit in which they are intended.

By the Proclamation, His Imperial Majesty has given assent to the establishment of a Chamber of Princes. Though we on this side of India are not very much interested in these Indian States, still the establishment of a Chamber of Princes has a political significance for the whole of India. To me personally it is highly gratifying as I advocated the establishment of such a chamber so far back as the year 1888 in my 'History of the Native States of India.' On the 1st January 1877 on the historic plain of Delhi a 'Council of the Empire' was created. It was stated on that memorable occasion that the object of establishing this Imperial Council was to associate the Indian Princes with the government of the Empire in a manner honourable to themselves and advantageous to the public interests. The Council has remained a paper Council ever since. A Council of this nature is urgently needed to place the relations between the Paramount Power and its great feudatories on an altogether new, superior and better footing. By their loyal and devoted services during the war they have established their claims to have a chamber of their own, and His Imperial Majesty has in justice to their services given them a chamber to which they were entitled."

The Hon'ble Dr. Suhrawardy said :—

"My Lord, I rise to give my wholehearted support to the resolution moved by my friend the Hon'ble Rai Radha Charan Pal Bahadur.

Dr. Suhrawardy.

My Lord, any Royal Proclamation issued at any time by any sovereign for the welfare of his people is bound to fire their imagination and enthusiasm and awaken in their breasts sentiments of the deepest loyalty and of profound gratitude, and, my Lord, former rulers of this historic country in ages gone by have signified on historic and memorable occasions by the promulgation of Charters and Proclamations their sentiments of love and affection for their people. But the Proclamation of His Imperial Majesty George V stands pre-eminent, by the circumstances and occasion of its promulgation and the character of its contents, above all the Charters and Proclamations of the world. It stands unique amongst the literature of its kind. I venture to say that one will seek in vain in the archives of the world for a royal document which can bear comparison with the Proclamation of the King-Emperor in the nobility of its sentiments, the loftiness of its ideals and the generous policy of government foreshadowed for the future. When I say this, I do not forget the edicts of Asoka, the *firmans* of Firoze Shah and the institutes of Jehangir, edicts, charters and institutes issued by sovereigns imbued with high and humane ideals for the welfare of their subjects. Nor do I forget the great Charters of English History. The Proclamation, my Lord, has been described as the Magna Charta of India. But we should remember that it is not a charter wrung from a sovereign in a moment of panic or under pressure of adverse circumstances. It is a Proclamation promulgated after careful consideration and due deliberation by the mightiest Emperor of the world—the only Emperor in the West to-day—to his subjects in the East, in the plenitude of his power, in the height of his glory, by the Head of an Empire which has emerged victorious and triumphant from a world-wide war which has foundered empires and overturned the thrones of Tsars and Kaisers and of lesser kings. As to its character and contents, the Proclamation embodies the loftiest ideals of statesmanship and kingship expressed in noble language. My Lord, the Proclamation is characterised as a message of hope and inspiration. It is undoubtedly a message of hope, but it is much more. Let us pause for a moment and analyse its contents. It recounts the measures passed by Parliament for the better government of India culminating with the Act which has now become law. It reminds us of the sentiments of affection and devotion towards India of His Majesty and his predecessors and of the Royal Proclamations issued by them. It tells us how the desire after political responsibility has resulted from the British contact with India and how the beginnings of responsible government were laid many years ago and how the scope has been extended stage by stage till now there lies before us a definite step on the road to responsible government. It points out the need of mutual forbearance between all sections and races of the people of India and for co-operation for the common good in sinking unessential differences. It further announces the exercise of the Royal clemency to political offenders.

Now, My Lord, the announcement of the 20th August has been vindicated. The Reforms are an accomplished fact. The Royal clemency has been exercised by the Viceroy on behalf of His Majesty in the fullest measure. Thus the Proclamation is not merely a pledge, a promise, a pious hope, it is the fulfilment of a promise, the redemption of a pledge, the realisation of our hopes. The Sovereign has demonstrated his sovereignty in a just and generous manner. It is now for the subjects to give proofs of their allegiance. A solemn and sacred obligation is laid on our shoulders. Let not our gratitude and loyalty end with the mere effervescence of words. Let us prove by deeds the depth and intensity of our loyalty. My Lord, I frankly confess that I was amongst those who were not in love with many features of the Reforms Scheme. In this very Council Chamber I voiced the dissatisfaction of the Moslem community at the place accorded to them under the Montagu-Chelmsford Report. But now that the Act is passed and the Sovereign bids us to observe mutual

orbearance for the success of this great experiment, let the voice of dissatisaction and discontent be hushed in silence. Time was when difference of ace and religion might have been urged as an obstacle in the way of cordial o-operation. The greatest and mightiest of Moslem monarchs dreamt the ream of building up an Indian nation, and strove hard both by example and recept for the realization of his dream. He lived to see his dream shattered nd died of a broken heart. The hapless Prince Dara, who dared dream the ream of his illustrious grandfather, had to pay with his blood the penalty of is boldness and broadminded sympathy with the Hindus.

But now, despite the holocausts of Arrah and Katarpur the air resounds vith the cry of Hindu-Moslem unity. The unrest and ferment born of the npact of Britain and India is seeking to find rest in the formation of an Indian ation. But let not the nationalists forget that the India of to-day is not the ndia of Hindus and Moslems alone, but it is the India of Hindus, Moslems nd Christians. Let the inheritors of the civilization and culture of Asoka and Vikramaditya, of Akbar and Shah Jehan—Hindus and Moslems—rise to the eight of the occasion and united in a bond of indissoluble brotherhood work n unison, harmony and cordial co-operation with the great British people, the reatest friends of freedom, the members of the freest empire in the world. et the Britisher also realise his share in the creation of the desire in Indian inds for political freedom and let him not look upon Indian political leaders s his enemies. In the words of the Urdu poet—

یہہ آپ لائین ہین مغرب سے سیل آزادي بنائین ایسي عمارت کہ پایدار رہے *

You yourselves have brought this flood of freedom from the West ay, therefore, the foundation of your empire and the fabric of your constiution deep in the hearts of the people, so that they may endure for ever.

My Lord, with understanding and sympathy and cordial co-operation the ion of our Hope and the Mecca of our Aspirations will be reached in no istant future and Britishers will be proud of their Indian fellow-citizens and artners in the great British Commonwealth, and Indians will proudly declare hemselves as the citizens of an Empire wider and vaster than that of the Romans, and say, 'We are citizens of the British Empire'."

he Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I rise not to add anything to what has been so ably moved y my friend the Hon'ble Rai Radha Charan Pal Bahadur, and the previous peakers, but I think it my duty as a representative of the people as well as n my private capacity to associate myself wholeheartedly in an expression of omage—loyal and dutiful homage—to His Imperial Majesty the King-Emperor for the gracious Proclamation of the 23rd December last and in our espectful assurance to His Majesty the King-Emperor that His Royal lighness the Prince of Wales will receive a most cordial and enthusiastic velcome from us. With these expressions of loyalty, I wholeheartedly upport what has been said by the hon'ble mover and the previous peakers."

he Hon'ble Maulvi Abul Kasem said :—

"My Lord, I rise to join my humble voice to the expression of gratitude nd loyalty to His Majesty the King-Emperor. There may be differences of pinion about the system of administration carried on in this country or the nanner in which government is carried on here, but so far as Indians are oncerned—and by Indians I mean all sections of the community, whether ationalists or not, whether Hindus or Muhammadans—we are at least one in ur devotion to the person of His Majesty and the Throne of England. claim that so far as the Indian people are concerned their loyalty to the

Throne, which is also the Throne of India, is not less sincere and less heartfelt than that of the people of Great Britain themselves, and that whenever we have to find fault with the administration we have done it with the knowledge that our criticism would reach the foot of the Throne and that redress would come from His Majesty. Besides the feeling of loyalty which exists in the heart of the people I might add that any member of the House of the late Queen Victoria would always command the affectionate regard and respect from the people of India and as His Majesty King George has not only maintained the reputation of his illustrious house but has also enhanced it by his sympathy with the people of this country, I can assure your Excellency's Government that we will not be wanting in lending our co-operation and help to his desire to make the Reforms Act a success. I join in the hope that the members of the Government will also lend us a helping hand. Mutual co-operation of the people and Government is necessary so that His Majesty's wishes may be fulfilled. With these words I beg to associate myself in the motion which is now before the house."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I am desired by my colleagues, including the landowning interest in this house, to join my voice to what has been said with regard to the resolution moved by my hon'ble friend Rai Radha Charan Pal Bahadur. In doing so I desire to state one aspect of the question which has been overlooked. We Indians are sincerely and wholeheartedly of opinion that the salvation of India lies in her continuing to be a part of the British Empire. Even those who are perhaps at times the bitterest critics of British administration in India, even they are fully convinced and are sincere in their conviction that the salvation of India lies in association with and as a partner of the British Empire. But, my Lord, at times in the heat of controversy people forget and it is natural, inevitable for them to forget, that in order to cement the bond of union between England and India that the agitation and bitterness which found a place in the past must cease to have any place in view of the coming reforms, because we must remember that England is the head of the Empire of which India aspires to be a great partner, and I have no doubt that as our reformed Council meets and begins to discuss the practical problems of the country and as Indians themselves take up responsibilities in the new Councils, they will realize the importance of the move. At the same time I have no doubt that my European fellow-citizens in the reformed Councils will begin to take a real and abiding interest in the practical political problems of India. They will try as much as we Indians will try in creating a more contented India and in creating an India which will be one of the ablest partners in this Empire. My Lord, originally I did not intend to speak on this resolution, but as I have been asked by my colleagues, who represent the landholding interest in this Council, I cannot do better than join my voice in support of this resolution."

The Hon'ble Mr. Watson-Smyth said :—

"On behalf of the Bengal Chamber of Commerce I rise to support this resolution. I cordially associate myself and those whom I represent with the expression of loyal and respectful homage to His Majesty the King-Emperor. We also join in the expression of gratitude to His Majesty for announcing his intention to depute His Royal Highness the Prince of Wales to visit India as His Majesty's representative for the purpose of inaugurating the new constitution, and we join in tendering our respectful assurance that His Royal Highness will receive a most cordial and enthusiastic welcome from the people of this

Mr. Watson-Smyth.

Presidency. I further wish to associate myself with that part of the resolution which conveys the gratitude of the people to His Majesty for having given his Royal assent to the Government of India Bill passed by Parliament, but in doing so I must remind this Council, without in any way wishing to strike a discordant note, that it rests with us all to turn this Government of India Bill into something for which we can truly be thankful. It may, however, be easily otherwise. It is a great experiment. At the moment it may be said that it is trembling in the balance and the scale may easily be turned—even a hair may turn it—so that this Bill may become not a blessing, but the reverse. In supporting this resolution I do not intend to use the ordinary platitudes. In my opinion the time has come—and this is a suitable opportunity—for the British mercantile community to put their cards on the table and to state definitely what their attitude is to be with regard to this Bill. It is well-known—and I hasten to admit it—that we were of opinion that these reforms, although we agree to a certain extent with the principle, went too fast and too far. We thought and we still think that the time was not ripe for the introduction into India of a form of government on western democratic lines, and that the franchise difficulty was so great that any form of elected government to be really representative of the will of the people was a practical impossibility. These were not conclusions hastily arrived at, but were the results of much thought and consideration, and I would that we could say that we had had a fair hearing when the measure was being discussed, but this is not so. When the Joint Committee of the two Houses sat in London, representatives of every form of opinion were not only invited but also assisted to give evidence, but the great Chambers of Commerce of India were not invited. When we persistently urged our claim to be heard, permission was given at the eleventh hour under conditions which made it impossible for us to appear. All this however, is past history. By the vote of Parliament and by the will of the Sovereign this Bill has become law, and now, without recrimination and with no illwill, we enter the next stage—a much more difficult stage—that of carrying these reforms into effect. Any clever man can invent a scheme of reforms, but reforms mean that part of the community gets less, and other parts of the community get more than they got before. Consequently it takes the goodwill and co-operation, and specially the goodwill of the whole nation to make any scheme of reform a success. It has been said that these reforms are for India and for Indians and that we British have no place in them, and we can hardly blame any one for thinking so after the way in which the commercial community were more or less ignorned in the report on which this Reform Bill was based. Those who are known as extremists go further and say that the British merchants have no right to expect any place under the reforms because they only exploit India for their own gain and with no real interest or stake in the country. I can only describe this as being a wilful and wicked misstatement. It is true—and I admit it—that most of us carry on our work here buoyed up with the hope of spending the autumn of our days in the land where we were born, but our work still goes on. We succeeded to what our fathers did before us and leave our sons behind to carry on the work, and if it is asked what this work has been and what it has meant to India, I only ask the enquirer to look round—to look to modern industrial India which we, the British merchants, have made and developed, assisted by the Government and sheltered by the great *Pax Britannica* under which there is security for life and property such as India never knew before we came here. I would remind you, however, and I lay great stress on this—that the merchant came first and the other things followed afterwards, and if you withdraw the merchant all the rest will go too. I think we are all glad to notice that there have been signs recently of Indians recognizing this. At a recent meeting one of India's great orators made an eloquent claim for partnership in the great British Empire, and I cannot do better than adapt his words to our claim for partnership in India. I say, therefore, to my Indian friends that India is yours by birth, but it is ours by adoption. There are, however, two classes of Indians to deal with, and I will call them—to use the jargon of to-day—extremists and moderates. To

the extremists, if there are any here I do not know, but I hope that my words will go beyond the walls of this room—to the extremists I say that we will have no dealings with you as long as you maintain your present attitude and your present views. We feel that you are antagonistic to us and that we must look to ourselves and protect ourselves. and this we are well able to do. But to the moderates I say strech out your hand and we will take it. Ask for our co-operation and you shall have it and you and we will then tackle this problem of reforms and turn the Bill into something for which thanks are really due—something to the great benefit of the people and to the lasting good of this mighty Empire of India which is both yours and ours."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I rise to support this resolution and I do it most wholeheartedly. I do not desire to make any lengthy speech or to mar the effect of this solemn resolution by discussing any controversial matters as I am afraid my friend, the hon'ble gentleman who has just spoken, has done. But there is one thing about which I must speak. It is His Majesty the King-Emperor's wish and commandment that there should be most cordial co-operation between officials and people, between Europeans and Indians, to make the new constitution a success. I have no right to speak on behalf of the officials. nor have I any right to speak on behalf of the Europeans. But I have a right to speak on behalf of the people and in doing so I may assure your Lordship, I may assure the officials, I may assure the Europeans, including the last speaker, that so far as it lies in the people they will most enthusiastically respond to that exhortation of the King-Emperor to co-operate wholeheartedly to make the reforms a success. Whatever may be said by other people, I know my people and I am perfectly satisfied that the whole country is determined to co-operate most loyally. I am not aware of any people in this Presidency in whom there is any desire of obstruction. The real attitude of the whole people is one of co-operation, of absolute and wholehearted co-operation and not one of obstruction. I make mention of this specially for the reason because I know and I feel there is a certain misconception in certain quarters about the attitude of the people with respect to the reforms. There is certainly a controversy as to whether the reforms are considered adequate or not, but apart from that question what I was going to say, my Lord, is that there is a certain misconception in some quarters that the feeling of those people according to whom the reforms are not adequate is that there should be no co-operation and the attitude is one of opposition. So far as I know I am in a position to assure your Lordship that there is no desire in any quarter whatsoever of obstruction. With these words I beg to associate myself with this resolution."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I beg to support the resolution of the Hon'ble Rai Radha Charan Pal Bahadur wholeheartedly.

The resolution includes a vote of thanks for the Royal message for the Royal assent to the Reforms Act and for the announcement of the coming visit of the Prince of Wales to India. I associate myself with the spirit and sentiment of the resolution. My Lord, the Proclamation of His August Majesty the King-Emperor of India has placed Indians from every Indian hamlet. village town and city in debt immense, of endless gratitute, to him. The Proclamation has enhanced feelings of loyalty to the British Throne. Is there an Indian who is not moved by the loving words and noble sentiments

Mr. Irwin; Mr. Phelps; the President; Rai Radha Charan Pal Bahadur

conveyed to the loyal subjects of His Majesty? The golden cable which binds the King-Emperor with India is the secret sympathy for their just and legitimate aspirations—

It is secret sympathy
That silvery tie that silken lined
From heart to heart and mind to mind
In united soul can bind.

Every word in the Proclamation breathes sympathy for the Indians.

The Royal assent to the India Reforms Act has given an opportunity for an outburst of loyalty to the Throne of the King-Emperor. Exceptions are taken in some quarter to the wording of the resolution, but the idea of loyalty and firm attachment to the person of His Majesty is deep rooted in the country.

Standing in the Council Chamber we ought in a matter of this kind to forget the difference we attach to mere words or what we owe to a party. The officials and non-officials must be in perfect unanimity and be enthusiastic in their homage to him and give vent to their feelings of reverence and affection for a monarch so mighty in war, so glorious in victory and so resolute in bringing about peace to the world. The Reforms Act has secured for us to some extent a recognition of our legal right to self-government. I do not like to discuss whether our hopes and sentiments have been fully realized or not. That is a controversial point. In proposing a vote of thanks in the Council Chamber we ought to show our profound loyalty to His Majesty. The announcement of the intended visit of the Prince of Wales has also filled our hearts with joy. The Hindus and Muhammadans have great regard for their kings. To merely gaze on his face is regarded as a virtue by the Hindus."

The Hon'ble Mr. Irwin said :—

"My Lord, on behalf of the tea-planting industry, which I have the honour to represent in this Council, I beg to give my loyal and wholehearted support to this resolution."

The Hon'ble Mr. Phelps said :—

"My Lord, the excellent sentiments expressed in this resolution are so obvious that I have not come prepared to make a speech in support of it. But I find that representatives of different communities have expressed their opinions and even my hon'ble friend of the Chamber of Commerce has made a speech expressing the opinion of the body he represents. In view of that I feel that if I do not say a word on behalf of the association which I have the honour to represent I may possibly be misunderstood. Regarding the Reforms Scheme, with my 30 years' experience and work in the municipality, principally with Indians, I have been conscious for a long time that I am in close sympathy with some of my colleagues. I have been shouting for co-operation for the last 25 years, and I rejoice to find that some of my European friends who almost bitterly opposed the Reforms Scheme have come round to my opinion, and I have very much pleasure in supporting the resolution in this Council."

The Hon'ble Rai Radha Charan Pal Bahadur having risen from his seat—

The President said :—

"Is it your intention to speak again by way of reply? No body has spoken against your resolution."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"Yes, I should like to make a few observations, my Lord, on a particular point."

The President said :—

"The object of an hon'ble mover making a second speech is that he may reply to criticisms which have been made, but in this instance no criticisms have been made. Therefore the Hon'ble Member has nothing to reply to. But if the Hon'ble Member wishes to rise to a point or order, I am willing to hear him."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"I wish to speak on one point, my Lord, in the Hon'ble Mr. Watson-Smyth's speech."

The President said :—

"If the hon'ble mover thinks that there is a point in the Hon'ble Mr. Smyth's speech that he should reply to, I am prepared to hear him."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"One interesting feature in the debate on this resolution is that it has been received in a wholehearted and loyal manner by all sections of the community.

Then, my Lord, we have got the support and sympathy of the European community. But there are one or two observations in the speech of the Hon'ble Mr. Watson-Smyth with which I would deal with your Excellency's permission. My Lord, he said that a certain section of my community, if I followed him aright, did not want the co-operation of the European community. My Lord, for my part and speaking with considerable experience of the past history of the country, there is not much difference between extremists and moderates. I can assure your Excellency that the foremost leaders of the moderate party were some 15 or 20 years back the foremost extremists of the day, and whatever version may be put upon the opinions expressed by the different parties, one and all of my countrymen are devotedly loyal and attached to the British Crown, and they truly believe that their salvation lies in the British connection. With reference to Mr. Smyth's remark, I may be permitted to use the old saying, 'Do unto others as you wish to be done by.' Unfortunately, there have been many occasions when the European community in this country have not been very sympathetic with the aspirations of the people. My Lord, the days of Lord Ripon are still in our memory, and therefore there might be in some places reciprocity of ungenerous feelings. My friend will admit that it is due to a certain extent to the way in which my countrymen have been treated by some section of the European community in the past. We cannot forget the role played by Mr. Keswick, the uncrowned king of opposition, and his party and latterly by the party represented by my esteemed friend Mr. Morgan at the present day on behalf of the European Defence Association, which is now called the European Association. Nevertheless we have been working harmoniously with the European community in all matters affecting the minor details of administration, *i.e.*, in municipal affairs and other things. As the remarks of the Hon'ble Mr. Watson-Smyth may create an impression in the public mind that a section of my countrymen are opposed to the association of the Europeans, I think it necessary to make this statement."

The motion was then put and agreed to.

Rai Radha Charan Pal Bahadur.

LIST OF BUSINESS—ITEMS Nos. 10—16.

His Excellency the President said :—

"I would point out to the Hon'ble Babu Surendra Nath Ray that the second part of item No. 16—the resolution standing in his name[1]—is substantially the same as item No. 10. There is, however, this difference that the Hon'ble Babu Surendra Nath Ray would add to the list of those to be thanked —the British Parliament. In these circumstances, while it is not open to the Hon'ble Member to move his motion as a separate resolution, it is open to him if he desires to move an amendment to item No. 10 with a view to including the British Parliament in the list of those to be thanked."

The Hon'ble Rai Radha Charan Pal Bahadur moved the following resolution :—

"This Council recommends to the Governor in Council that its warmest congratulations be conveyed to His Majesty's Government and to the Right Hon'ble Mr. E. S. Montagu, the Secretary of State for India, and the Right Hon'ble Lord Sinha of Raipur, the Under-Secretary of State for India, on the successful passage of the Government of India Bill through the two Houses of Parliament, which measure the Council regards as a definite and substantial step towards the progressive realization of responsible government."

He said :—

"My Lord, I do not think I need make a long speech, but I may say in a few words that I do not think we will increase the volume of popular gratitude which we all feel for His Majesty's Government, the Right Hon'ble Mr. Montagu, the Secretary of State for India, and the Right Hon'ble Lord Sinha, if I make a lengthy speech. Our gratitude is well-known and it has been expressed in several places and on more than one occasion. All I need say is this: that His Majesty's Government have earned the undying gratitude of the teeming millions of this vast country by the sympathy which they have shown in accepting the views of their responsible advisers in conceding this measure of self-government. To Mr. Montagu I may say this that he is the gentleman who has been piloting this measure through all its stormy stages, amidst obloquy and misrepresentations and the shafts of calumny which were unable to pierce him. In the midst of all these distractions he has manfully and courageously rebutted the attacks which have been made upon his high statesmanship and with his fertile resourcefulness and wonderful powers of persuasion he has been able to carry this Bill and to induce the democracy of England to enact it as the law of the land and also to obtain the Royal assent. When I remember what Mr. Montagu has done I may say that his features and we all liked his fine stature, are engraved in the heart of every person in this Empire and, therefore, I need not add any more adjectives to express our feelings of gratitude.

As regards Lord Sinha, I may say I am an Indian and he is an Indian. I need hardly say that he has merited our gratitude and enhanced our pride and self-esteem because he has shown that an Indian is quite capable of standing shoulder to shoulder with the eminent British statesmen in your country. He has obtained the exalted rank of a Peer of the British realm; he has obtained the high encomiums of the

[1] The second part of the resolution was as follows —

"This Council recommends to the Governor in Council that the grateful thanks of the non official Members of this Council be conveyed—

(2) To the Right Hon'ble the Secretary of State for India, Mr. Montagu, and to the British Parliament for their kind exertions to pass the Government of India Act.

press and the people of England and in both Houses of Parliament. It is a fact of which we are proud; we are proud that Lord Sinha is our countryman I have, therefore, moved my resolution of thanks first to His Majesty's Government, secondly to the Right Hon'ble Mr. Montagu (the much abused person of the present day) and thirdly to Lord Sinha, my own beloved countryman. My resolution only relates to those who have been piloting this measure through the Parliament and had direct connection with it."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I move the amendment that the words 'the British Parliament' be inserted after the words 'Under-Secretary of State for India' in the Hon'ble Rai Radha Charan Pal Bahadur's resolution.

I do not want to enter into the controversial question as to whether the reforms are definite and substantial. I only wished to support the resolution with a plain and simple amendment.

I need hardly say that through the unremitting exersions of the Right Hon'ble the Secretary of State, Mr. Montagu, India has got the present Reforms Act. That he has laid India under a deep debt of gratitude by all that he has done on behalf of India will probably be admitted by people of all shades of opinion. Ever since the declaration of the 20th August 1917 he has not been silent for a single day. He came out to India at the risk of his life at a time when the Mediterranean Sea was bristling with submarines and sinking of steamers was a thing of every-day occurrence. He examined the situation in India first-hand and made definite proposals in consultation with His Excellency the Viceroy. Those who like myself had the honour of private interview with him and of discussing questions of public interest with him will be able to testify how anxious he was to gather facts and to go to the root of questions. He was in full sympathy with the political aspirations of the Indians. Whether in India or in England he worked hard and with a single minded purpose to elevate the political status of the Indians.

India expected every son of hers to do his duty at this critical time and Mr. Montagu found in the Right Hon'ble Lord Sinha and Mr. Bhupendra Nath Bose two of her worthy sons—two coadjutors to help him in his noble and laudable efforts and to whom also our best thanks are due.

Amidst volume of calumny and ridicule, Mr. Montagu had the courage to keep his mind clear of all such abuses and march on steadily without swerving from the object in view, viz., political advancement of India, in spite of the attempts of many who intended to wreck the entire scheme. Mr. Montagu's political wisdom and sagacity have enabled him to bring the scheme through both Houses of Parliament with distinguished success. Justice to whom justice is due should and must be the guiding principle of every honest mind. If, therefore, any one is entitled to the sincere and heart-felt gratitude of a whole nation and to whom our best thanks should be conveyed, it is the Right Hon'ble Mr. Montagu. I am sure when at no distant date India is in possession of full responsible government, the fame of the Right Hon'ble Mr. Montagu will shine like aurora in the bright sky of India and his name will be cherished with grateful remembrance throughout the length and breadth of the land.

To both Houses of Parliament our sincere thanks are due and we pray that they may be conveyed. The amount of interest which the generality of the Members of Parliament evince in matters Indian is generally not very cheering. They have many questions of interest to engage their attention. It is therefore a matter of congratulation to the people of India that Mr. Montagu had not only not the least difficulty but had the support of the Mother of Parliaments in his endeavours to pilot the Bill.

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My Lord, to you personally and to your Lordship's Government the thanks of the entire community are due for the wholehearted support which your Lordship has given to the scheme from the very beginning. It was your Lordship's desire from the very outset to support the scheme so that the people may have a fair trial in self-government. Your Lordship wanted to see that the people of this country should be properly initiated in the art of government, that they should not be mere critics of government measures but should be actual administrators, and with that view your Lordship helped as much as it was possible to support the measure. Without such support it would have not been possible for the Secretary of State to have carried through this Bill in the teeth of opposition of some of the other Provincial Governors.

My Lord, I hope and trust every member of this house will join with me in supporting the resolution."

ITEM No. 10.

His Excellency the President said :—

"The amendment now before the Council is :—To insert after the words 'Under Secretary of State for India' in line 4 of item No. 10 the following words, namely, 'and to the British Parliament'. The Hon'ble Rai Radha Charan Pal Bahadur, as the member in charge of the original motion, is entitled to speak on the amendment if he desires to do so."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I accept the amendment."

The amendment was then put and agreed to.

LIST OF BUSINESS—ITEM No. 11.

The Hon'ble Maulvi A. K. Fazl-ul-Haq moved, by way of amendment, that in the resolution of the Hon'ble Rai Radha Charan Pal Bahadur (item No. 10) the words after the word "Parliament" beginning with the word "which" up to the end of the sentence be omitted.

He said :—

"My Lord, I hope my friend, the Hon'ble Rai Radha Charan Pal Bahadur, will be pleased to hear that I agree generally with what he has said in support of the resolution, not because I recede from my original intention of pressing the amendment which stands in my name but because I feel that much of the speech delivered by him is wholly irrelevant to the point at issue. My hon'ble friend will recognize that so far as his recommendations to convey the respectful congratulations of this Council to His Majesty's Government is concerned, or to convey our thanks to the Secretary of State or to Lord Sinha is concerned, we are in perfect agreement, but the only matter in which I join issue with him is as regards the advisability of putting in his resolution a phrase which I respectfully submit is of a highly controversial character. When my friend reads his speech in print in the pages of the *Calcutta Gazette* he will find that he has not said a single word in support of the position he has taken in bringing forward for discussion in this Council a question about which he knows there is such a feeling in this country. Now, my Lord, I feel very deeply, and, I say, with some regret, that

Maulvi A. K. Fazl-ul-Haq.

my hon'ble friend should have practically forced me to take up a position which I very much deplore—to have compelled me to raise a discordant note when I feel that nothing but harmony should have characterised the proceedings of this Council. My Lord, I will not pause to discuss the desirability or the necessity of giving certificates where none are needed, but I hope my friend will realize that there is such a thing as loyalty to a party, and when a question arises for discussion about which a particular party holds definite views it is impossible to expect that that question can be allowed by a member of that party to pass unchallenged. I do not for a moment ask anyone present in this house to discuss and decide the question whether the reforms do or do not constitute a substantial step towards responsible government. I will not make a confession, but I may even admit that the opinion of the majority of the party which I represent does not commend itself to me, but, my Lord, once that decision is taken and so long as I have not severed myself from that party, I think it would be disloyalty to them if I did not object to the incorporation of these words about which I know the majority of my party feels very strongly.

My Lord, I fully realize that the gracious words of His Majesty the King-Emperor have not only inaugurated a new era but have enjoined upon all His Majesty's subjects the solemn duty of co-operating with one another with a view to produce that serene and calm atmosphere in which alone the new reforms can be made a success. I fully realize that at a moment like this when we are on the threshold of a great experiment—an experiment pregnant with vital consequences to my own country—it would be absolutely suicidal, not to say unpatriotic, to say or to do anything which may hamper the efforts of all concerned to make these reforms a success. I have explained my position that if these words were not added to the resolution I would not only have voted for the resolution but I would have most gladly said whatever I could have said in support of the resolution, but I cannot, as I have expressed, in loyalty to my party, allow the resolution to pass in the form in which it stands. It may be asked that if I really feel that the voice of dissension ought to be hushed, why is it that I am raising this discordant note? If I am asked that question I will try to answer it in a few words. My friend is aware, and I think the majority of the members of this Council must be aware, that ever since the Montagu-Chelmsford Report on the Indian Constitutional Reforms was published there was a bitter controversy as to whether these reforms do or do not constitute a substantial step towards responsible government. I am not going into the details of the matter and I need not enter into a question of a political complexion, but I will say this much that the acceptance or non-acceptance of the word substantial as applied to the reforms is really the line of cleavage between those who adhere to the Congress and those who secede from it. Now, my Lord, that controversy could only have been relevant or had any meaning till the Act was passed and after that Act has been passed it is absolutely irrelevant to the main issue now before us to pause and consider whether those who said that this was a substantial step were correct or whether the others were correct. Therefore, my Lord, I consider that it is wholly useless and fully irrelevant to the issue before us and before the country to raise once again a dissension which we hope has been set at rest by trying to raise an issue which cannot but be of a controversial character.

Lastly, my Lord, whether the reforms are or are not a substantial step towards responsible government ought to be left to time and experience. There are those who think that these are substantial steps but others, who also have a right to speak with authority (I mean a certain section of the European community), say that in the present circumstances of the country a great deal too much has been given. There are others also who think much more

should have been given. I think it should be left for time to show and for Indians to justify whether the reforms are a substantial step or something more should be given. Why stop and quarrel over words and bring into the discussion in this Council matter of a controversial character? Let us offer our heartfelt thanks to those who are responsible for these reforms and let us unite and co-operate to make the reforms a success. Let us show that we are fit for them and by our fitness for more reforms show that these reforms are inadequate.

I do not wish to take up the time of this Council as I hope I have explained my position to the hon'ble mover. Although I move this amendment I do not say that possibly these reforms are not a substantial step towards responsible government, but what I say is this that I cannot allow this resolution as it has been worded by my friend to be passed in this Council without a challenge. I regret that my friend should have so worded his resolution as to bring it within the sphere of controversy. With these few words I beg to move the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I must say that I am very much struck by the speech of my hon'ble friend. I have said already in my previous observations that we all recognize the fact that there is a difference of opinion as to the adequacy or inadequacy of the privileges that have been granted to us. But, my Lord, at the same time I must confess that there is a large volume of public opinion which supports the view that I have taken. The fact why I have not touched on the second part of my motion is this, because I know very well that it is useless on my part to make a long speech to convince some of my friends on my left that it is a definite and substantial step towards the progressive realization of responsible government. But I have said, my Lord, that we respect differences of opinion, and on the present occasion in order to secure harmony and having regard to the pledge given by my hon'ble friend which I believe represents in a large measure the voice of the party he belongs to, and in order to secure co-operation to make this measure a success, I for my part am quite prepared with the approval of this house to accept an amendment that the word 'substantial' be omitted from the resolution, in order to bring about unanimity. But as regards the word 'definite,' I do not think that my hon'ble friend would quarrel about it. We all know that this Council consists of representatives of different shades of opinion and it is therefore necessary that a resolution of this sort should be unanimous, and if that will satisfy my hon'ble friend, I am quite prepared to accept it."

His Excellency the President said :—

"Both the original motion and the amendment are now before the Council, and it is open to any Hon'ble Member to speak on either of these motions. I presume there will be some Hon'ble Members who desire to speak on the original motion. I propose that we now adjourn the meeting until half past two."

(The Council here adjourned for lunch.)

(The Council reassembled after lunch at 2-30 P.M.)

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, as there is no unanimity on the subject, I regret I cannot accept my hon'ble friend's amendment as I said I would."

Babu Kishori Mohan Chaudhuri; Maulvi Abul Kasem; Rai Srinath Ray Bahadur.

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, the Hon'ble Babu Surendra Nath Ray has made one reservation. In his resolution he was not much concerned about what appears in the last sentence of this resolution. My Lord, if we are to congratulate certain persons we must congratulate them for something and what is that something? My hon'ble friend, Maulvi Fazl-ul-Haq, says that because he belongs to a party which thinks that the reforms are not sufficient therefore he should oppose the resolution. I cannot follow that reasoning, my Lord. That the Act has done something substantial is an admitted fact. We should all try to successfully work it out. That is why we should say something more than what is stated in the resolution. The Act no doubt is not yet complete. The rules are not yet framed and placed before the public. We do not yet know how far the measure is likely to work out in detail. But we have confidence in Mr. Montagu and we are proud of Lord Sinha, the present Under-Secretary of State, and we know full well that they will do their utmost in making the rules satisfactory.

If the words were not there in the resolution I would not have troubled to insert them. But when the words appear there I think we cannot omit them. In the country of course there is some difference of opinion as to whether the reforms are substantial or not, but we are all unanimous in offering our congratulations to the framers of the Act. In that view I support the retention of the words in the resolution."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I rise to support the amendment of my hon'ble friend, the Hon'ble Maulvi Fazl-ul-Haq. In doing so I have only to say that although we do not agree to the opinion that the Reforms Act is a definite and substantial step towards responsible government, I for one and the party to which I belong do not forget that credit is due to Mr. Montagu for having this Act passed through the Houses of Parliament and for the great trouble and interest that he has taken in the matter. We are grateful to him; we offer him our thanks and also his colleauges and those who were associated with him in this matter. From the nature of the severe cross-examination to which I was put by Mr. Montagu I can say this much that he takes a deep interest in the people of India and that he is very much concerned in their welfare. We also know full well that he had to fight against great difficulties in bringing about a great change like the one that he has brought about. But all the same the country is divided in their opinion as to whether these reforms are substantial or not, and I think we the members of this Council who represent various interests and various political opinions—all shades of political opinion—think that it would have been advisable if the Hon'ble Babu Surendra Nath Ray's resolution could have been moved so that we could come to an unanimous decision. The Hon'ble Babu Surendra Nath Ray advisedly did not bring forward those three words 'substantial and definite' because he knew that that would raise a discussion and would be controversial. At the same time the hon'ble mover of this resolution advisedly put in those words because he wanted to get a definite opinion from this Council. Situated as I am I would oppose this resolution not only because my party has declared that these reforms are not substantial and definite but also because personally I am rather doubtful about whether the reforms are substantial and definite. Therefore I support the amendment moved by my friend the Hon'ble Maulvi Fazl-ul-Haq."

The Hon'ble Rai Srinath Ray Bahadur said :—

"My Lord, I consider the Government of India Act is a definite and substantial step towards responsible government. The tests of responsible Government are, firstly, that the powers of control should be vested in the

people and, secondly, that the ministers who actually administer should be removable by the legislature which is composed of the representatives of the people.

"The Act, so far as the Provincial Government is concerned, satisfies both the tests in the matter of transferred subjects. Out of a Council, say of 125, 70 per cent. will be elected Members and not more than 20 per cent. will be official Members. So the elective majority in the Provincial Council is substantial. Again the ministers will be such elected Members as possess the confidence of the house. This provision, though not finding place in the Act, will be regulated by convention as is done in England and the Dominions. The Members here shall, in accordance with this convention, hold office so long as they can command a majority in the Council and they shall quit office when they will forefeit such confidence.

"It is, therefore, clear that the essentials of responsible government are going to be satisfied as far as the transferred subjects are concerned: and the transferred subjects comprise Education, Sanitation, Local Self-Government and Industries—subjects which concern the vital well-being of the people. Even in the case of reserved subjects the control of the Legislative Council is tangible, though indirect. My remarks, however, do not apply to the Central Government. There the legislature has got some sort of control, though it is not of a definite character. It would have been more satisfactory and more in accord with popular aspiration if some sort of responsibility had been introduced in the Central Government. But still taking a general view of the provisions of the Act I cannot but characterize the Reforms Act as a definite and substantial step towards responsible government. I have, therefore, no hesitation in supporting the resolution of my hon'ble friend Rai Radha Charan Pal Bahadur."

The Hon'ble Dr. Suhrawardy said :—

"My Lord, I rise to support the resolution moved by my hon'ble friend Rai Radha Charan Pal Bahadur, and I oppose the amendment moved by the Hon'ble Maulvi A. K. Fazl-ul-Haq. My reasons for opposing the amendment are shortly these.

"If I understood my hon'ble friend Maulvi Fazl-ul-Haq aright he moved the amendment not because he himself does not believe that the reforms constituted a definite and substantial step in the progressive realization of responsible government but because he belongs to a party and that party has declared that the reforms do not constitute a definite and substantial step towards the progressive realization of responsible government and that the country has been divided over that question. The chief grounds for his complaint seems to be that he has been compelled by the hon'ble mover of the resolution to make a confession of faith. That of course he is not willing to make. If the resolution had stood without these words then he would not have had any objection to support the resolution. Practically he admits that Mr. Montagu and Lord Sinha and the Houses of Parliament deserve the grateful thanks of this house. That is practically admitting that the reforms are substantial and constitute a definite step towards the progressive realization of responsible government. I ask why should we offer our thanks to Mr. Montagu and Lord Sinha if the reforms do not constitute a definite and substantial step towards responsible government. I would like to invite the attention of the house in general and my hon'ble friend Maulvi Fazl-ul-Haq in particular—but I find his seat vacant—that in this very house on the 14th November, 1918, a resolution was moved to this effect to which my hon'ble friend was a party. The resolution was carried unanimously, and it was to the effect that the constitutional reforms proposed by the Viceroy and the Secretary of State were a genuine effort and a definite advance towards the progressive realization of responsible government in India. Now I ask the hon'ble member whether

the Reforms Act falls short of the proposals foreshadowed in the Montagu-Chelmsford Report, with reference to which my hon'ble friend along with others agreed that they were a genuine effort and a definite advance towards responsible government. Furthermore, I should like to invite the attention of the house to the Royal Proclamation itself and particularly the attention of the hon'ble mover of the amendment and other gentlemen who have given notice of similar amendments. The Royal Proclamation says—

'The Act which has now become law entrusts elected representatives of the people with a definite share in Government and points the way to full responsible Government hereafter.'

If not in so many words, by implication the Royal Proclamation about which we have just passed a resolution in this house, also declares the Act to be a definite step and entrusts the elected representatives of the people with a definite share in Government and points the way to full representative Government hereafter. In other words, by implication it says that it is a substantial and definite step towards the progressive realization of responsible government. My hon'ble friend has referred to his loyalty to a party, and he says that whatever his own opinion may be it is out of loyalty to his party that he has moved this amendment. I should like to remind the hon'ble mover and his supporters that there is another and a higher loyalty, a loyalty to a higher and nobler ideal, which is referred to in the Royal Proclamation itself which states that true patriotism transcends party and communal interests, and urges the sinking of unessential differences for the common good. These, my Lord, are my reasons for opposing the amendment."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I do not belong to the party to which the Hon'ble Maulvi Faz-lul-Haq belongs and speaking for myself I do believe that the measure which has been passed by the Parliament and has got the Royal assent is a definite and substantial step towards the progressive realization of responsible government. At the same time I cannot conceal the feeling that the Hon'ble Rai Radha Charan Pal Bahadur has made a tactical blunder in adding these words to the main words of his resolution. The effect is that there cannot possibly be an unanimity in the passing of this resolution. I very much regret that he forgot the rule as regards proceeding upon the line of least resistance What is to be gained by the vote of a divided house on this point? We are not required to decide this point, and it is hardly to be expected that the eloquence of my hon'ble friend to my left would be powerful enough to convert those Members who are of a different opinion to his own. Therefore it would have been better if these words had been originally left out. I very much sympathize with the admirable speech of Maulvi Fazl-ul-Haq and the sentiment conveyed in it. He has told us that it is useless to have this point discussed in this house at a time like this. It had its use when the Bill was not passed and the country was not required to give an expression of its opinion on the measure. Therefore as I have said it was want of wisdom to introduce these words in a resolution of this nature. At the same time as my hon'ble friend has made up his mind not to accept Maulvi Fazl-ul-Haq's amendment, I am in duty bound to support him with my vote, specially as I sincerely feel that this Act is a definite and substantial step towards the progressive realization of responsible government. That is my position."

The Hon'ble Mr. P. C. Mitter said :—

"I very much wish that the time of this Council were not taken up by the addition of this adjectival clause. The clause being there we are bound to consider it. The reason which prompted my hon'ble friend Maulvi Fazl-ul-Haq to oppose it is that he belongs to a party which thinks that the reforms are neither substantial nor definite, and belonging to that party he could not

Mr. P. C. Mitter.

support the resolution as it stood. That reason, my Lord, equally applies to me. I belong to a party which is distinctly committed to the view that the reforms, such as they are, are substantial and definite. But, my Lord, apart from party consideration, I venture to think and all right-thinking men will agree with me that reasons of a more substantial nature than party considerations will support the resolution as it stands. My hon'ble friend said that he belonged to a party and when speaking on item No. 9 he spoke in terms with which I entirely agree—but that party has said that it is necessary for all Indians or for the matter of that every one interested in India to make the reforms a success.

If we want to make the reforms a success, are we likely to make it successful if we approach the question in a halting spirit? Do you venture to think that you will make it a success if you honestly and truly believe that they are not substantial and definite? If we think that they are not so, it would be our duty to say so. But on an examination it will be found as the Hon'ble Rai Sri Nath Ray Bahadur has cogently proved that the reforms are substantial and definite. Now if the steps are substantial and definite and if we want to make the reforms a success, should we try to whittle down the beneficial effect of the reforms by sticking out for a party and only for a party? If behind the limitation of his party sounder reasons existed, I would certainly have appreciated the attitude of the Hon'ble Maulvi Fazl-ul-Haq. The Hon'ble Maulvi Abul Kasem has said that the Hon'ble Babu Surendra Nath Ray's amendment avoids the question. But a little consideration will show that after a resolution like item No. 10 a resolution like Babu Surendra Nath Ray's would not serve the purpose. If that was the only resolution which held the field then perhaps this question would not have arisen. But the question has arisen and now if we accept Babu Surendra Nath Ray's resolution it would mean that we do not accept this very important clause in item No. 10. My Lord, in passing the resolution in item No. 9 unanimously we have all accepted the words of wisdom appearing in the King's Proclamation. The Hon'ble Dr. Suhrawardy has already drawn the attention of the house to those sentences where His Majesty in words of wisdom calls upon all sections of the community to make the interests of the country more supreme than the considerations of party politics. I now appeal—perhaps my appeal would fall on deaf ears—but I would still appeal to the Hon'ble Maulvi Fazl-ul-Haq and the Hon'ble Maulvi Abul Kasem to give effect to those words of wisdom which they themselves have loyally accepted in the previous resolution."

The amendment being put a division was taken with the following result :—

Ayes—3.

The Hon'ble Maulvi Abul Kasem
" " " A. K. Fazl-ul-Haq
" " Babu Akhil Chandra Datta

Noes—24

The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Nibaran Sarkar, Kt.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. M. Cathcart.
" " " Prayash Chander Mitter, C.I.E.
" " Babu Sir Narayan Mukharji.
" " Kumar Shib Shekhareswar Ray.
" " Babu Bropendra Kishor Ray Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " " Radha Charan Pal Bahadur.
" " Mr. R. M. Watson-Smyth.
" " " W. O. Grazebrook.
" " " W. H. Phelps.
" " " H. R. A. Irwin, C.I.E.
" " Dr. Abdulla al-Mamun Suhrawardy.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
" " Rai Sri Nath Ray Bahadur.
" " " Mahendra Chandra Mitra Bahadur.
" " Babu Surendra Nath Ray.
" " " Kishori Mohan Chaudhuri.

The following members abstained from voting :—

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " " W. H. L. Stephenson, C.S.I., C.I.E.
" " Sir Charles Stevenson-Moore, K.C.I.E., C.V.O.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " " L. S. S. O'Malley, C.I.E.
" " " G. N Roy.
" " " A. Marr.
" " " M. C. McAlpin.
" " " F. A. A. Cowley, C.I.E.
" " " C. F. Payne.
" " Khan Bahadur Maulvi Amin-ul-Islam.
" " Mr. S. W. Goode.
" " " W. W. Hornell, C.I.E.

The following members were absent :—

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Nawab Bahadur of Murshidabad.
" " Mr. Amin-ur-Rahman.
" " " G. A. Bayley.
" " " M. Ashraf Ali Khan Chaudhury.
" " " Altaf Ali.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.
" " Babu Ambika Charan Mazumdar.

The Ayes being 3 and the Noes 24 the motion was lost.

LIST OF BUSINESS—ITEMS Nos. 12 and 13.

The Hon'ble Maulvi A. K. Fazl-ul-Haq said :—

"Having lost my first amendment the next amendment standing in my name is that the words 'definite and substantial' in the resolution moved by the Hon'ble Rai Radha Charan Pal Bahadur be omitted. My Lord, I can well understand what the fate of this amendment will be and so I will not press it, especially in view of the fact that I shall move the next amendment. With your Excellency's permission I beg to withdraw this amendment."

His Excellency the President said :—

"This amendment stands also in the name of another Hon'ble Member. Does he wish to move it ?"

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I wish to move this amendment. Nothing has happened since I gave notice of this amendment to change my opinion and attitude. It may be right or wrong, but there is no reason why I should not press it before the house. I beg therefore to move that the words 'definite and substantial' be omitted from the resolution (item No. 10). Now, my Lord, it goes without saying that by the very fact that I have obtained your Lordship's permission to move this amendment it necessarily follows that I have hearty sympathy with the main resolution. Subject to this amendment, the rest of the resolution has my hearty sympathy and support. Now I am the last

Babu Akhil Chandra Datta.

person to support anything halfheartedly because I believe that congratulations are really due to Mr. Montagu and for that reason I support this resolution. My Lord, just for my own satisfaction I made it a point during the last Congress days to consult and inquire of all the gentlemen who formed the members of the different bodies who had been to England in connection with the reforms question as to their opinion about the part played by Mr. Montagu in connection with the passage of this Bill through the two Houses of Parliament. I am glad to be able to say that the universal testimony of all these gentlemen was that Mr. Montagu sincerely did his level best to have the reforms passed by the Parliament. I should say that there are those among these gentlemen who are decidedly of opinion—rightly or wrongly that is another matter—that the reforms are inadequate. But so far as Mr. Montagu is concerned he did his utmost. That being the position, I support the main resolution, and I do so most wholeheartedly.

Then, my Lord, about this amendment. It has been said by two Hon'ble Members that we have already carried resolution No. 9 and therefore we have committed ourselves to a certain position. It has been said that having already accepted unanimously resolution No. 9, it is not for us to say that the reforms are not a definite and substantial step towards the progressive realization of responsible government. My answer to this contention is this: We wanted 16 annas, but we have got, say, 12 or 8 or 6 annas, whatever it may be: we have got a portion, not the whole of it, and because we do not get the whole of it, does it follow that we should not be grateful for it, remembering at the same time that what we have got is a decided advance over the existing constitution? The reforms may not be all that we wanted, but none the less it is a reform. It will introduce a very great improvement in the existing constitution of our Council and Government. Now as to this, as far as I am aware, there is absolutely no difference of opinion. The whole country is of this opinion, namely, that what we have got, if not satisfactory, is certainly a distinct advance over the existing state of things. It has been said by some Hon'ble Members on this side that there is a large volume of opinion in the country that this is a definite and substantial step towards the progressive realization of responsible government. But whether the volume of this opinion is large or not—is very controversial and need not be raised. But on the other hand, can it be seriously disputed that there is a very large volume of opinion that the reforms are not adequate and that they are not a substantial step towards the progressive realization of responsible government? I am not talking for the moment whether they are right or wrong. This opinion, my Lord, is shared by the vast majority of the people in this country. Apart from the question as to which opinion is right or wrong, I might go further and submit this proposition without any fear of contradiction in this house, namely, that there are some men in favour of the view that it is not a substantial step and others who are in favour of the view that it is a substantial step. That being the position, I would not discuss the matter on its merits because this question has already been discussed both in and outside the Council, on platforms and in the press, ever since the day on which the Joint Report of Montagu-Chelmsford was published. Therefore the question arises whether the opinion that it is a definite and substantial step can be expressed from this house. This leads, my Lord, to the question of our position in this Council. Insignificant as I am, if I speak here at all, I speak as a representative of the people for I know the opinion of a humble man like myself does not count for anything. The question therefore, arises whether I can honestly say in this house as a representative of the people that it is a definite and substantial step towards the progressive realization of responsible government, knowing full well that the vast majority of the people are not of that opinion. So in giving a vote on this question I must look to the

opinion of my constituency, not to my own opinion. In that view of the matter I submit I would be untrue to my constituency if I support the resolution as it stands. I appeal to your Lordship and to those gentlemen who differ from my views to take our position into their consideration before forming any opinion about us.

It has been said by one gentleman that we have given our thanks for the Proclamation and the Proclamation also says that the Bill, which has now become law, will lead to a substantial step towards responsible government. I beg to submit that the word 'substantial' does not occur in the Proclamation, but quite apart from that, so far as the Proclamation goes, I for one would be most unwilling to quarrel with its terms. It is too sacred to be taken into task on that account.

Then there is one other argument which has been advanced by the Hon'ble Mr. P. C. Mitter, that to make the reforms a success you must proceed in a spirit of appreciation, and he has also referred to the terms of the Proclamation. I accept that sentiment most wholeheartedly. The people are quite willing to co-operate out of respect for the wishes of the King-Emperor and also out of desire to do good to the country, in spite of the opinion that the reforms granted to them are not quite adequate, and that is their real attitude.

I think that all controversial matters, if possible, should be avoided and should not be introduced in the Council on a question like this."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 14.

The Hon'ble Maulvi A. K. Fazl-ul-Haq then moved the following amendment :—

"If motions Nos. 11 and 12 be not carried, that the words 'and substantial' in the said resolution (item No. 10) be omitted."

He said :—

My Lord, in moving the first amendment which stood in my name I suggested to my friend Rai Radha Charan Pal Bahadur to take the resolution out of the sphere of controversy by omitting the words beginning with the word 'which' up to the end of the sentence. That amendment has been discussed and has not been accepted. My second amendment has also been lost, and I now suggest to my friend who moved that resolution and to all the members in this house that the words 'and substantial' only be omitted so that there may be an unanimous resolution of this Council that the reforms do constitute a definite step towards responsible government.

My Lord, I am sorry I was late in attending the Council after the adjournment, but I understand a good deal has been said with reference to what fell from me in support of the amendment which I moved this morning. I had not the privilege of listening to what has been said, but I gather that one of my friends has levelled against me a charge (not definite but indefinite) of inconsistency. It has been said, I am told, that having accepted the Royal Proclamation I could not in all fairness object to the phrase at the end of the resolution as proposed by Rai Radha Charan Pal Bahadur, and that my opposition to the words, 'and substantial' being added to the resolution is really inconsistent with the support which I have given to the resolution which immediately preceded the one now under discussion. A reply has been given by my friend the Hon'ble Babu Akhil Chandra Datta and I need not go over the same ground again. I shall only add that so far as the Royal Proclamation is concerned it is, as my friend has already pointed out, too sacred a document

Maulvi A. K. Fazl-ul-Haq.

to be lightly discussed, and even if His Majesty the King-Emperor were to have expressed something in the document which we had previously taken objection to, it would not be open to us to say that we do not accept the words of the Royal Proclamation. We must bow to the Royal message and we must bow to the Royal Proclamation, but what I do say is this: that it is open to each and everyone of us to explain the position which we take not merely in this Council but outside it with regard to questions of a public character.

Now, my Lord, it has been suggested that we are disregarding the Royal mandate for co-operation and for setting at rest all controversy and dissension by opposing the insertion of the words, apparently of an innocent character. I confess I do not appreciate the force of this argument. Since I got notice of this resolution I gave notice of this amendment, and my hon'ble friend Rai Radha Charan Pal Bahadur and others who agree with him in the view that he has expressed could at once find out that these expressions at the end of the resolution did not meet with universal approval in this house. If that is so, why insist on having it when there are persons who do not agree with it? Are we, who are opposing this phrase, really starting a controversy or are they, who set the ball rolling, starting it? It is not I who gave notice of this amendment but it is he who gave notice of this resolution. It may be that he forgot for a moment that there was a difference of opinion, but once he could find that a difference of opinion still existed why did he take up that old question again and why did he revive a controversy which we hoped had been hushed? Then, my Lord, as regards this difference of opinion about the reforms themselves I was at one time of opinion that these reforms might be substantial without being adequate but I do not know if I took a correct view; I often felt that the reforms might be both substantial and adequate. I thought that substantial is merely a question of degree and when a grant is more than a moiety, I would, ordinarily speaking, consider it substantial, but whether it is adequate or not has reference to surrounding circumstances. My friend the Hon'ble Babu Akhil Chandra Datta has spoken of demanding 16 annas and a few annas being given. It may be that in the peculiar circumstances of the country 5 annas is considered quite substantial but no one would say that it was adequate; similarly 10 annas may be regarded in certain circumstances as adequate. Therefore it is after all quarrelling over words. We have quarrelled over words so long, and I do not think any useful purpose would be served by our quarrelling over them again at present, but if you raise a controversy I fear I must oppose it.

My Lord, 'definite' is a word which would not be accepted by the party to which I belong, namely, the Indian National Congress. Whether that attitude is right or wrong I cannot say but for the sake of harmony and of making this resolution unanimous I for one am prepared to accept that the reforms do constitute a definite step towards the progressive realization of responsible government, although I stick to my amendment that the words 'and substantial' be omited and that the word 'definite' be allowed to stand. There will then be the certificate that is wanted and there will then be the further certificate that these reforms are a definite step towards responsible government. If the certificate is really given I would ask that it be given in that particular form, but I will not be a party to a certificate which adds the words 'definite and substantial' in recognition of the reforms.

My Lord, I hope I have made my position clear. There is one remark which I am told has been made in this house. That in speaking of the loyalty to a party I have really forgotten that there is loyalty to others also. I do not know what that remark means. It may be that loyalty to truth or loyalty to one's own conviction must be superior to loyalty to a party. My

Lord, in the profession to which I belong I sometimes feel in arguing a case before a court that the view taken by the presiding Judge is wrong (that is my own personal conviction), but so long as the judgment is not delivered I stick to that view and press it for his acceptance, but once the judgment is delivered I forget my own view and accept the view of the court. I am not prepared to press my personal view, but since the majority of my party think, for reasons which need not be discussed here, that the words 'and substantial' should not be added to any declaration as to the character of these reforms, I think it my duty to stick to that decision and to support it. That is what I mean by loyalty to my party and that is why I oppose the insertion of the words 'and substantial' proposed to be added by the Hon'ble Rai Radha Charan Pal Bahadur.

As regards the word 'definite' I have no such objection. I think there will be no harm if that word is allowed to remain. With these few words I beg to move my amendment."

The Hon'ble Babu Bhabendra Chandra Ray said :—

"My Lord, it is with no intention of belittling the Reform Act that I have given notice of an identical amendment which now becomes unnecessary for me to move. My objection is limited to the description of the measure as 'substantial.' I venture to think, firstly that it is controversial, secondly, that it is unnecessary, and thirdly, that it is premature. I fully appreciate the sympathetic efforts of the Secretary of State to place us on the sure road to responsible Government and should have been happy if the present resolution could be passed without a dissentient voice. Indeed the value of such a thanksgiving message as we propose to send to-day depends upon the unanimity of opinion behind it. It is not expedient, therefore, to tempt controversy in such an occasion. I think that the characterisation of the reform as substantial is unnecessary and can serve nothing but an academic purpose. The bill embodying the reform has been passed into law and it will not serve any useful purpose now to raise disputations over this matter. At the instance of that sturdy moderate leader, the Hon'ble Mr. Chintamani, the United Provinces Legislative Council has unanimously adopted a resolution in which no such testimonial has been sought to be affixed to the Government of India Act, but, what is of greater practical importance, an assurance has been given of co-operation of all the communities in the working of the reforms. But, my Lord, in any view of the matter it is yet too early to make a pronouncement that the instalment of reforms that we are getting are of a substantial character. To my mind the Act provides a skeleton constitution with a good deal to be filled in by way of important details by rules, about which we know nothing as yet. So much again is left to convention which will take some time to grow, and to the instrument of instructions and no hasty opinion should be offered before a fair trial has been given to the new measure. A good deal of its success will be determined, among other things, by the amount of good-will and sympathy that it can succeed in securing from the European community, official and non-official, which has so long looked at it with anything but friendly eyes. Moreover, with all our efforts to make the reforms a success, it may be discovered that the new-fangled system of 'dyarchy' is unworkable in practice, and the Council of State is clogging the wheel of progress. Taking a nearer, though perhaps a parochial view, I think that the financial position of Bengal under the reforms is anything but encouraging. And unless Lord Meston's Committee can dispel our fears by a favourable adjustment of Bengal's financial relations with the Central Government, we may look upon the present instalment of reform as far too dear. On all these considerations, I desire to support this amendment."

Babu Bhabendra Chandra Ray.

The amendment being put a division was taken with the following result :—

Ayes—4.

The Hon'ble Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul Haq
" " Babu Bhabendra Chandra Ray
" " Babu Akhil Chandra Datta

Noes—23.

The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Sir Nilratan Sarkar, Kt
" " Mr W H. H Arden Wood, C.I.E.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr M Carmcart
" " Mr. Provash Chunder Mitter, C.I.E.
" " Babu Siv Narayan Mukharji.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Mr Arun Chandra Singha
" " Sir Deba Prasad Sarbadhikari Kt., C I E
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Mr R M Watson-Smyth.
" " Mr W. O. Grazebrook.
" " Mr W H Phelps
" " Mr H R. A Irwin, C.I E.
" " D Abdulla-al-Mamun Suhrawardy.
" " Khan Sahib Aman Ali
" " Rai Sri Nath Ray Bahadur.
" " Rai Mahendra Chandra Mitra Bahadur
" " Babu Surendra Nath Ray.
" " Babu Kishori Mohan Chaudhuri.

The following members abstained from voting :—

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Mr. Stephenson, C.S.I., C.I.E.
" " Sir Charles Stevenson-Moore, K C.I.E., C.V.O.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. A Marr.
" " Mr. M. C. McAlpin.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Mr. C. F. Payne.
" " Khan Bahadur Maulvi Amin-ul-Islam.
" " Mr. S. W. Goode.

The following members were absent :—

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Nawab Bahadur of Murshidabad.
" " Mr. G. A. Bayley.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Mr. Altaf Ali.
" " Babu Mahendra Nath Ray, C I.E.
" " Mr. K. B. Dutt.
" " Babu Ambika Charan Mazumdar.
" " Mr. Aminur Rahaman.

The Ayes being 4 and the Noes 23 the motion was lost.

The original motion of the Hon'ble Rai Radha Charan Pal Bahadur was then put in the following form and agreed to :—

This Council recommends to the Governor in Council that its warmest congratulations be conveyed to His Majesty's Government and to the Right Hon'ble Mr. E. S. Montagu, the Secretary of State for India, and the Right Hon'ble Lord Sinha of Raipur, the Under-Secretary of State for India, and the British Parliament on the successful passage of the Government of India Bill through the two Houses of Parliament, which measure the Council regards as a definite and substantial step towards the progressive realization of responsible Government.

LIST OF BUSINESS—ITEM No. 17.

The Hon'ble Mr. Arden-Wood moved the following resolution :—

This Council recommends to the Governor in Council that the hearty thanks of this Council be conveyed to His Excellency the Viceroy for his generous and practical sympathy with Indian political aspirations, as shown more specially by the open-mindedness and impartiality with which His Excellency furthered the inquiries precedent to the framing of the Government of India Act, 1919.

He said :—

"My Lord, the resolution that stands in my name, and which I have now the honour to move, is intended to be simply complementary, in the strict sense of the word, to resolution 10. And I am sure that it would detract materially from the pleasure felt by the distinguished personages who are mentioned in the resolution proposed by the Hon'ble Rai Bahadur, if His Excellency the Viceroy were not, on the same occasion, if not in the same resolution, associated with those thanks and congratulations.

Apart from all other considerations, there can be no doubt that without the good-will of His Excellency the Viceroy it would have been impossible to institute and carry out the inquiries necessary to enable the Government of India Bill to be framed, presented to Parliament, and passed into law, in the year 1919. It was with much satisfaction, after I had submitted my resolution, that I read the just tribute paid to His Excellency the Viceroy by Lord Sinha upon his arrival in Bombay. That speech made clear, what some have apparently overlooked or forgotten, that the very beginning of the action on the part of British Government, which culminated in the Government of India Bill, was due, and due only, to Lord Chelmsford. I feel sure that it is unnecessary for me to spend time in commending my resolution to this Council. The qualities specified in my resolution, the generous and practical sympathy with Indian political aspirations, the open-mindedness and impartiality, which His Excellency the Viceroy has displayed in such an eminent degree in his dealings with this difficult question, are well known to the members of this Council. I confidently commend my resolution for their acceptance."

The Hon'ble Babu Kishori Mohan Chaudhury said :—

"My Lord, to my mind the resolution seems to be rather premature. As it is when the question has been raised I would not of course oppose it, but I wish to make it clear that it is rather in anticipation of the successful working of the measure in its entirety, I mean after the framing of the rules, that this

message of thanks should have been conveyed to the Viceroy. Whatever may be our differences in other respects—and I should say that there are differences in other matters—in this particular matter we know that His Excellency has rendered great services. For that we should be thankful to him. The rules have not been framed yet, and although we know that the Viceroy will be sympathetic we must also remember that he is surrounded by a strong bureaucratic influence, and I also do not know how far the framing of the rules would be successfully carried out. It is because of this that, as in the case of the previous resolution, we cannot endorse it without reservation. As I have said before, I do not oppose the resolution, but I wish to make it clear that it should be done rather in anticipation of the successful working out of the matter."

The Hon'ble Mr. Irwin said :—

"My Lord, I wish to associate myself with this resolution and accord it my whole-hearted and loyal support."

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"It is with both pride and pleasure that I rise to support the resolution moved by the Hon'ble Mr. Arden-Wood. There might be various incidental and providential causes which have led to these reforms, but, my Lord, it cannot be gainsaid that His Excellency the Viceroy was one of the first persons on the official side to take up the question of the present reforms seriously. We have seen the report which he drew up jointly with Mr. Montagu on the Indian reforms. It clearly proves to any one who has taken the trouble of going through it, how impartially and sympathetically he has dealt with such a difficult and complicated subject as the Indian Constitutional Reforms. It is true that the Government of India despatch of the 5th March was disappointing to some extent to a large number of his admirers. But we have also heard what Lord Sinha said on landing at Bombay about the work of the Viceroy in connection with the reforms. After that statement I can hardly imagine that there is any room to doubt the great service which has been rendered by His Excellency to this country. My Lord, I whole-heartedly support the resolution."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I wish to associate myself with the Hon'ble Mr. Arden-Wood in his resolution conveying thanks to His Excellency Lord Chelmsford. It is perhaps not proper for a member in my position to say anything on this point but for the fact that the Viceroy has been most unjustly maligned. True he has not been able to support the cause of the people consistently throughtout his career, but it must not be forgotten that one of the first acts he did immediately on coming out to India was to take up the question of political reform, and later on were it not for his sending a telegram to the Secretary of State in the early part of December last or the latter end of November, it would have been difficult for the ministry to have the Reform Bill passed through the House of Lords because there were a few influential Peers who had been of a hesitating mind about this Bill, and but for this telegram of the Viceroy saying that he wanted the Reform Bill to be passed as soon as possible, it would have been very difficult to have the Bill passed so soon. It is very unkind and uncharitable of our people to forget the immense services done by Lord Chelmsford in this connection because of some matters connected with the

keeping of peace in another Province. That is all I have to put before the Council."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, it is a matter of profound regret to me personally that I find myself in a position to oppose this resolution. In doing so I shall again ask your Lordship in all humility to consider our position. The whole question to me is whether this is a resolution which is acceptable to the people of the country. That is the sole test and there is no other test. It is a resolution which seeks to express the hearty thanks to His Excellency the Viceroy for his generous and practical sympathy with Indian political aspirations, and therefore I should think that in the fitness of things that opinion should be expressed by an Indian. It would have come with better grace from Indians. I do not however for a moment say that if Indians fail to do their duty it is not competent to a European to do it. But if a European wants to do it he must do it on behalf of Indians, and therefore he must look at the matter from the stand-point of Indians. It was for Mr. Arden-Wood to consider whether from the Indian stand-point this is a resolution which ought to have been moved. In the light of this principle let us examine the position as to how this matter stands. My Lord, if we did not know the opinion of the Indians on this question and if this opinion was never expressed then certainly the matter would have stood on a different footing. But we do know the view of the Indians. That opinion was expressed in different platforms from different representative bodies. So far as I am aware, I am aware of three public bodies which represent the Indian opinion, namely, the Indian National Congress, the All-India Moslem League and the Moderate Conference. So far as Indian opinion is concerned, I feel I am justified in looking to these three bodies for an expression of opinion. Let us see therefore, my Lord, what is the opinion of these three bodies. So far as the Indian National Congress is concerned we know what it is : I shall not dilate. We know also the opinion expressed simultaneously the other day by the All-India Moslem League, but, my Lord, it is said in some quarters that these two bodies are extremist organisations. I do not know if that is the right view In any case I do know this, extremists or moderates, they are certainly the mouthpiece of the Indian nation. That is the verdict of impartial observers and critics. That is the verdict even expressed only the other day by the *Indian Daily News*. But apart from that let me concede and concede only for argument's sake that the Indian National Congress and the All-India Moslem League are two perverse bodies. Let us therefore see what is the opinion of the Moderate Conference. I think the views of the Moderate Conference find more favour with some people in this house than the views of these two bodies. We know what their opinion is. We know that a resolution was passed the other day expressing the gratitude of the Moderate Conference—of the people as represented by the Moderate Conference, to Mr. Montagu and Lord Sinha for these reforms. But I know that a resolution similar to that before us was not passed even by the Moderate Conference. I am certainly aware of the fact that one or two individual gentlemen—members of the Moderate Conference—might have said things of this description in their speeches ; I know the views of the Hon'ble Babu Surendra Nath Banarjee, the views he has given expression to the other day in the Imperial Council, but I am also aware that Babu Surendra Nath Banerjee notwithstanding there was no such resolution passed by the Moderate Conference. Apart from this Indian opinion I think it is a matter of common knowledge that even a section of the British press is in favour of a recommendation by no means complimentary to Lord Chelmsford. The question therefore arises on whose behalf are we expressing these hearty thanks. If we are to do it for ourselves in our individual capacity that would be another matter. But if we are to do it in our representative capacity, then I am afraid this resolution is not backed by those on whose behalf these thanks are sought to be expressed. My Lord, I cannot go into details, but I should like to emphasise that my position is a *bonâ fide* one. I am aware

of the views of gentlemen who are almost enamoured of these reforms. Take the case of men of the position of Mr Bomanjee of Bombay. He is well known as a staunch supporter of Mrs. Besant even in her present day politics. Mr. Bomanjee's attitude towards the reforms is that it is a definite and substantial step towards the realisation of responsible Government. In fact it would be no exaggeration to say that Mr. Montagu is the idol of Mr. Bomanjee. That being his attitude with respect to the reforms it would be interesting to know what his attitude is with respect to His Excellency the Viceroy. And that attitude is well known. So, my Lord, the whole position is that if Indian opinion is to be consulted at all, I am afraid this resolution cannot be accepted. It is a very very delicate matter and a very unpleasant duty to do and therefore I shall not dilate. I shall only say that the Indian people think that in view of the reply, amongst other things, of His Excellency the Viceroy to the press deputation, in view of the fact that measures have been passed in the teeth of universal opposition of the Indians, the people do feel that there is nothing much to be grateful for to His Excellency the Viceroy.

The Hon'ble Dr. Suhrawardy (interrupting) said :—

"May I rise to a point of order, Sir? Are we discussing the services of the Viceroy in connection with the Reforms Act or other measures?"

The President said :—

"The motion before the House is a proposal to extend the thanks of the Council to the Viceroy for his generous and practical sympathy with Indian political aspirations. It is fairly wide ground."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Hon'ble friend's interruption leads me to the terms of this resolution, and I find that the terms are very comprehensive. It is 'generous and practical sympathy with Indian political aspirations, but no practical illustration of it has been mentioned. There is another matter on which I think I should be failing in my duty if I did not express the feelings of the people of this country. I mean the incident which has happened in the Punjab. On these grounds people think that this resolution cannot be accepted by them. I therefore find myself compelled to oppose this resolution, and I do it with the utmost reluctance."

The Hon'ble Dr. Suhrawardy said :—

"My Lord, I rise to support the resolution moved by my hon'ble friend Mr. Arden-Wood. As I read the resolution I understand that it refers to the services of the Viceroy specially with regard to His Excellency's labours in connection with the Reforms Act. The resolution reads that the hearty thanks of this Council be conveyed to His Excellency the Viceroy for his generous and practical sympathy with Indian political aspriations. My Lord, my hon'ble friend to my right has opposed the resolution. I am quite at a loss to understand exactly the reasons for his opposing this resolution. I do not know whether it is based on His Excellency's Punjab policy or whether he is unwilling to support the resolution even without reference to the unfortunate incident in the Punjab. I also regret to find that my friend the Hon'ble Babu Kishori Mohan Chaudhuri has declared this resolution to be rather premature. At this moment a favourite phrase of my friend the Hon'ble Maulvi Fazl-ul-Haq comes to my mind, that if human memory is short official memory is shorter. So far as the labours of His Excellency with reference to the Reforms Act are concerned I would like to repeat that phrase of the Hon'ble Maulvi with a slight variation—'If human memory is short non-official memory is shorter.' I would like to invite the

attention of this House once again to the resolution moved by the Hon'ble Rai Debender Chunder Ghose Bahadur on the 14th November, 1918, which ran thus :—

'This Council is of opinion that the constitutional reforms proposals, laid before this country and the Parliament in England, by His Excellency the Viceroy and the Secretary of State for India, are a genuine effort and a definite advance towards the progressive realisation of responsible Government in India, and also desires to record and offer its grateful thanks to His Excellency the Viceroy and the Right Hon'ble the Secretary of State for India for their Reform proposals.'

I find that my friends the Hon'ble Maulvi Abul Kasem and Babu Kishori Mohan Chaudhuri were a party to the resolution when it was unanimously passed in this Council. My Lord, I do not wish to take up the time of this Council. All I wish to say is this, that I am very glad to associate myself with the words of my friend the Hon'ble Mr. Arden-Wood who moved this resolution."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I regret it very much that this resolution has been brought forward for discussion in this Council. The Hon'ble mover is aware that there is a good deal of difference of opinion about Lord Chelmsford's generous sympathy with Indian political aspirations and his rule of India, but whatever may be our differences His Excellency is the representative of our Sovereign in this country and as such is entitled to all respect and honour, and it is very unfortunate that his conduct should be discussed in a Provincial Legislative Council. A large section of the people are of opinion that His Excellency does not sympathize with our political aspirations and that is evidenced by the fact that no Indian member of this Council thought it proper to bring forward a resolution like this and it was reserved for a member of the European community to do so. I have great respect for the Hon'ble Mr. Arden-Wood as a scholar and an educationist but I have never seen that he has interested himself in Indian politics or expressed his sympathy with our aspirations nor had he any means of knowing Indian public opinion. Still he has gone out of his way to ask this Council to offer its thanks to Lord Chelmsford for his sympathies with Indian political aspirations and has forced us to raise an unseemly controversy in this Council. My Lord, many public bodies in this country have expressed their opinion on the Reform Act and about those who have had a hand in it, but so far as I have been able to ascertain from newspaper reports none has as yet ventured to mention Lord Chelmsford's name in this connection.

The Hon'ble Rai Debender Chunder Ghose Bahadur interrupting said :—

"Mr. Arden-Wood is not a member of the Corporation."

The Hon'ble Maulvi Abul Kasem continued :—

"At any rate the Corporation did pass a resolution in which the name of Lord Chelmsford was not mentioned. True it is that if Lord Chelmsford had violently opposed the reforms even the British Cabinet could not have passed the Act, because the British people always put a great value on the opinion of the man on the spot, but I have never heard that thanks are offered for not obstructing a thing, and to agree to a proposal is quite different from supporting it or sympathizing with its object. The Government of India despatches to which Lord Chelmsford was a party lend weight to the opinion that His Excellency was not favourably inclined towards the changes brought about and the opinion expressed about his share in this matter by Indians is quite contrary to what we are asked to

subscribe. His Excellency's rule of India has also been bitterly criticised by my country men and however unpleasant it may be, I feel it my duty to protest against such a resolution being passed. Because if I do not I will be betraying a trust and would not be able to face my constituents.

We cannot forget that His Excellency Lord Chelmsford is responsible directly or indirectly for many unpleasant incidents in this country and that we believe that His Excellency gave only his passive support to the Reform proposals, and he did so because he felt that the exigencies of the situation demanded it. His Excellency has never shown any active sympathy, much less a generous one, with Indian political aspirations and the Government of which His Excellency is the head has earned a reputation for repressive measures and unsympathetic administration. A vote of thanks in the terms of the resolution would be uncalled for and against the opinion and wishes of the people whom we represent, and I therefore strongly oppose the acceptance of this resolution by the Council."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 18.

The Hon'ble Mr. H. R. A. Irwin to move the following resolution :—

This Council recommends to the Governor in Council that legislation be introduced, at an early date, rendering it compulsory on all proprietors of factories, whose average daily labour force, whether employed in, about, or in connection with, such factory, exceeds, for a period of three months, fifty persons, to provide such sanitary conveniences and appliances, in addition to medical supervision and treatment, as may be adequate for the number of labourers employed and as may be approved, from time to time, by the Government Sanitary Department.

He said :—

"My Lord, this is, I believe, the fourth resolution I have had the honour of proposing in this Council, all of which have had the same object in view, viz., the improvement in sanitation and health of the poorer classes in this Province, and though you may not approve of or sanction the course I have suggested, of one thing I am confident and that is, that I have Your Excellency's personal sympathy and approval of the *object*, even if you disapprove of the means to bring it about.

For if there is one thing more than another by which your name will be honoured and respected long after you have left India, it will be the solicitude which you have always displayed in the endeavour to stamp out disease, alleviate suffering and decrease mortality, amongst the millions of people under your rule.

I, myself, take a very keen interest in the sanitation and health of the poorer classes, who are helpless to do anything for themselves. I have had this resolution in my mind for several months, and have postponed giving notice of it, in the hope of getting it embodied in the proposed Bengal Public Health Bill, the provisions of which, through Your Excellency's kind permission, I have had an opportunity of studying.

However, my time of retirement has come and this is the last Council at which I shall have the honour of being present and, I therefore resolved to bring the matter before Government in the hope that it may be thought worthy of embodiment in the Bill, when it is introduced, at some later date.

Mr. Irwin.

Were I speaking to your Lordship and one or two more here present I should be content to stop here as you know more of the general aspects of the subject than I do, but I am speaking as well to Hon'ble Members of this Council and in a way to the public generally, of whom the great majority have probably not studied the question, and I venture to think it may possibly be useful to state my experience, such as it is. I would, however, commend all those who take any interest in the well-being of their fellow-creatures to study the pamphlet issued from the Bengal Secretariat Press entitled 'A speech and letter on Hookworm Disease in Bengal by His Excellency the Governor of Bengal,' and I venture to say that it will considerably startle those who were not previously acquainted with the facts it discloses—It only takes about half an hour or less to read and must prove interesting to all.

As regards myself I must preface my remarks by saying that my own personal experience has been gained almost entirely amongst the agricultural labourers, principally Nepalese in the Darjeeling district, with whom I have been intimately associated for the last forty-five years.

I have not the least doubt that, as a race, they have been steadily deteriorating, physically speaking, and this deterioration must continue more and more rapidly as the years go by, unless something can be done to arrest it.

A mother who is debilitated by disease and consequently not earning sufficient to nourish her own body much less that of a coming infant, cannot possibly produce strong healthy offspring, and therefore the deterioration in physique, of the whole race, previously referred to, must steadily continue, and get worse in each successive generation unless this most difficult problem is faced and successfully tackled.

I am aware that this is a very serious allegation to make, and in saying it I am not stating my own individual opinion only, I have asked many of the senior planters in the district their opinions and they have each one confirmed what I say without exception.

So much so is this the case that, whereas formerly managers of tea factories, situated at a distance from the Railway, in most cases at a lower elevation, were accustomed to pack their tea in full chests weighing from 110 to 160 lbs. gross and had no difficulty in getting them carried eight or ten miles uphill, for years past now have been obliged to resort to smaller sized packages rarely weighing more than 100 lbs. gross and even these it is sometimes very difficult to get carried.

My Lord, I am convinced that hookworm is the cause of this undoubted physical deterioration, and it is to combat and eradicate this evil that my resolution is intended.

I am convinced that hookworm is indirectly responsible for a very large proportion of the mortality in the Province, which is at present ascribed to other diseases—a person becomes infected with hookworm, gets rapidly debilitated, is then incapable of performing a fair day's work for a fair living wages and consequently does not earn sufficient to nourish his body, he contracts malaria, dysentery or some other disease and fall a victim to it and is registered as dying of it, whereas the original cause was hookworm and but for it he would have been strong enough to contend with and throw off the subsequently contracted illness.

To those who know nothing of the matter, the percentage of the lower classes especially those who are accustomed to go about with bare feet will seem almost incredible.

I have referred more especially to the agricultural labourers of the Darjeeling district, as it is they who come under my own immediate observation, but the investigations carried out during the past few years, especially

lately by Dr. R. G. Griffin in the planting districts of Nothern Bengal and Dr. Borland McVail in the Jute Mill area round Calcutta, go to prove that there is very little difference, in the incidence of infection amongst the poorer classes, between the hills, the submontane or purely plains areas.

The figures arrived at by both Dr. Griffin and Dr. McVail show that the terribly high percentage of from 70 per cent. to even, in some parts, 90 per cent. of the lower classes are infected with this disease.

Accepting the figures stated in your Lordship's speech above referred to, viz., 80 per cent., to think that four out of every five of the unfortunate people with whom one comes in daily contact, are infected with this dread disease and having their life's blood and vitality literally sapped out of them appears to me appalling and calls for the most stringent measures in order to stamp it out.

Much is being done to *cure* hookworm and much suffering is thereby being averted, but *curing* the disease only, if I may say so, is more or less in the nature of pouring water into a sieve, if, directly the patient is cured and sets foot outside his door, he becomes re-infected.

Until the germs of the disease can be eradicated from the soil, it will continue to thrive and spread, and the only means of eradicating it from the soil is to stop the source of pollution by the compulsory construction of latrines and insistence on their use.

I have been told that if latrines *are* erected, it will be impossible to get coolies to use them, but has not the same argument been used in connection with almost every innovation ever introduced? That it *will* be difficult at first, I acknowledge, but that it will be impossible I emphatically deny, and I am confident that with gentle pressure and persuasion combined, the desired result will eventually, if gradually, be obtained.

As an instance of this I may say that when only a few years ago the treatment for the cure of hookworm which is by no means pleasant was first introduced amongst tea garden coolies, it was very difficult indeed to persuade them to submit themselves to it; however on those estates that persisted the coolies have begun to recognise the efficacy of it and now come voluntarily and willingly to ask for it.

I think that everyone will agree that labour is the one vital factor, more than any other, which will affect the prosperity of this country in the future, by it we shall stand or fall, what we should aim at is for each individual labourer to increase his production thereby incidentally increasing his own earnings and prosperity, but how can this be effected, if what I aver is a fact, viz., that the physique of the labourer is deteriorating.

It is I think an undoubted fact that the demand for labour, not only in India but all over the world, is steadily increasing.

Here in India one cannot open one's daily paper without seeing the announcement of new industrial companies being floated day after day, each one of which means increased competition for labour, and the only means by which it can be satisfied will be by increased efficiency and increased production whereby two labourers may do the work and earn the wages of three.

The benefits arising from efficient sanitation are being more and more recognized, and are receiving more and more attention from individuals year after year, but in this case, almost more than most, the efforts of a large majority can be rendered nugatory by the passive inactivity of a small minority.

Babu Kishori Mohan Chaudhuri.

In your address to the representitives of the various District Boards of Bengal at a meeting held at Government House, Calcutta, on Thursday, December 4th, your Lordship is reported to have said :—

'Disease can be successfully fought only by scientifically organised effort and scientifically organised effort has hitherto, I regret to say, been conspicuous chiefly by its absence in Bengal ;' again 'It is clear that we shall have radically to recast our machinery before we can hope to obtain really big results ;' further on again 'And these agents must not only be given the responsibility for carrying out such measures but must be armed with such powers as will enable them to give effect to them.'

I could with benefit quote further, but I fear I have already trespassed too long on the patience of the Council and must therefore abstain.

Without combination and 'scientifically organised effort' but above all unless 'armed with such powers as will enable them to give effect to them,' *i.e.*, measures to combat disease it is hopeless to expect to stamp out disease—combination and scientifically organised effort can only be efficient if supported by legislative compulsion. In every community there will always be black sheep—passive resisters.

I have above emphasized the beneficial results which the introduction and use of latrines may confidently be expected to have on hookworm only, as I consider it to be almost if not quite the most formidable disease with which we have to contend on account of its insidious and eventually, if gradually, fatal nature.

But more rapid and apparent beneficial results will undoubtedly accrue in the case of dirt-borne and fly-borne diseases, such as cholera, dysentery, etc., which are credited with a far larger percentage of mortality than hookworm, the fatal nature of which is only just beginning to be recognised by the majority on account, as I have previously said, of its insidiousness.

Should this resolution be accepted and given effect to, I, myself, as an employer of labour, will be considerably affected, but on the grounds of humanity alone, I would welcome the tax it would impose upon me whilst eventually the benefit accruing will undoubtedly be reaped from a more healthy and consequently efficient and contented labour force if not by me then by my successors.

As I have previously said, my Lord, this is the last Council meeting I shall have the honour of attending, and I trust my resolution may be accepted and given effect to by Government, and that as I believe will be the case, benefit will arise for the people amongst whom I have lived so long."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I fully support the views expressed in this resolution by my hon'ble friend Mr. Irwin. He has made it abundantly clear that something is urgently necessary for these labouring classes. Your Excellency's study of the hookworm disease has also, I hope, made it abundantly clear that the special attention of the Sanitary Department should be drawn to the health and comfort of the labouring classes. With the rise of the prices of the necessaries of life it has become very difficult for them, without special help either from employers or from Government, to take care of themselves. I fully support the views expressed by the Hon'ble Mr. Irwin, and I hope that Government will do something for their redress."

Mr. O'Malley.

The Hon'ble Mr. O'Malley said :—

"My Lord, I must congratulate the Hon'ble Mover on his zeal for sanitary progress, but I fear that in his anxiety to preach the gospel of public health reform he has not been careful to enquire whether Government has not to any extent forestalled him by taking the measures he advocates. The resolution is framed on general lines. The Hon'ble Member urges that Government should undertake legislation making it compulsory on all proprietors of factories to provide adequate sanitary conveniences and appliances for their employés in addition to medical supervision and treatment. I am afraid that the Hon'ble Member has not been able to consult the Factories Act, or the rules under it. If he will refer to the Act he will find it lays down that every factory shall be provided with sufficient and suitable latrine accommodation. It further provides that every factory shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance, and that in every factory there shall be maintained a sufficient and suitable supply of water fit for drinking for the use of the persons employed in the factory. Electrical generating or transforming stations, indigo, tea and coffee factories are not included in the category of factories under the Act, but the Act applies to all other factories. It was passed in 1911, and the Hon'ble Member, if I may be permitted to say so, is a day too late for the fair. The mills have up-to-date latrine systems which are being extended and improved from day to day, and mill managers constantly refer to the Sanitary Commissioner for advice about them. The working of septic tank latrines is under the control of the Sanitary Commissioner, and he has also been appointed an additional Inspector of Factories, so that he may be in a position to deal with the sanitary arrangements of factories of all classes. He inspects as often as he can and brings to the notice of the Inspector of Factories any defects which require to be remedied so that the Inspector may take executive action.

The tea gardens and tea garden factories to which the Hon'ble Mover has specially referred are excluded from the scope of the Factories Act, and Government are aware of the need for combined action among tea gardens in order to improve their sanitary arrangements. Many have not got up-to-date latrine systems, and hookworm plays havoc among the coolies. Dr. Griffin, who has been recently making enquiries in connection with hookworm, reports :—

'The adoption of latrines by the hill people is feasible and presents few difficulties, and they as a whole appear to appreciate the use of them. But the question of getting Madeshia labour, mainly Santals and Oraons, who form the bulk of the labour in the Duars, to adopt these measures, has to be cautiously and carefully considered. Treatment for hookworm and other intestine parasitical disease is now universally carried on in the Duars on the European estates, and with education given to the people in the necessity of the use of latrine, I consider, and it is also the opinion of the senior Medical Officers and planters, that eventually they will come into line. It has been pointed out to me that if a single garden in a district only adopts these measures, that labour will tend to leave the garden, but that if a group of estates does so they will accept the universal adoption.'

Under conditions such as these it is desirable to strengthen the hands of the more progressive planters and to ensure uniformity of action throughout the whole area. Otherwise whatever sanitary precautions may be taken by one manager they may benullified by the apathy, neglect or inaction of another; in these circumstances some central authority is required to bring all into line. Government therefore are disposed to regard sympathetically proposals designed to affect a general all round improvement, and they are ready to consider the desirability of introducing legislation on the subject.

Mr. O'Malley.

I may mention here that the question of legislation for the tea gardens in the Duars came up some years ago. A special committee called the Duars Committee presided over by the Hon'ble Mr. Monahan was appointed to enquire into the sanitary and economic conditions under which tea garden coolies live in the Duars and to advise Government what remedial measures, if any, should be undertaken. Their conclusions were briefly that the economic conditions of the coolies were satisfactory, but that action should be taken to improve the medical and sanitary arrangements as well as the system of vital statistics. The committee thought that the employers would be ready of their own initiative to improve the medical and sanitary arrangements; and the Government of Eastern Bengal and Assam, agreeing with this view, considered that legislation was necessary only to proscribe registers and returns which would ensure a reliable record of vital occurrences in the tea gardens. They prepared a Bill accordingly, which passed into law as the Jalpaiguri Labour Act of 1912. At the same time in order that Government should be kept informed of the progress made by the estates in carrying out the recommendations of the Duars Committee with regard to sanitation, water-supply, medical arrangements, etc., it was arranged that the Civil Surgeon should observe and report on the extent to which those recommendations were carried out. The Civil Surgeon submits an annual report on the condition of the labour force and of the working of the Act, but it has been found impossible for him to inspect all the gardens regularly and our information is at present not as complete as we could desire. The special officer employed on the anti-hookworm campaign has been asked to submit a report as to the arrangements made for water-supply, conservancy and the prevention of infectious diseases, in the places he has visited, but his report has not yet been received. In the meantime the Duars Planters' Association has been consulted as to what arrangements can be made. The Association wishes to have a more thorough system and is in favour of a whole-time officer being appointed to advise upon, to direct and, if necessary, to control measures for the improvement of sanitation in the Duars tea gardens, as well as to engage in experiment and research; and it advocates the establishment of an advisory committee of planters and medical men to assist him. The matter is at present under discussion with the Sanitary Commissioner.

The question of legislation will require careful consideration. The Indian Tea Association, the Darjeeling Planters' Association and the Duars Planters' Association should be consulted about such matters as the creation of a central sanitary authority and the financing of it, as, for instance, by means of a special levy on tea gardens and possibly on village areas outside their limits. It should be considered whether it is preferable to deal with the matter as a part of a public health Bill for the whole province or by means of special legislation such as the Bengal Mining Settlements Act of 1912, by which the Mines Board of Health was created. I may be permitted to mention that a public health Bill has been drafted by my friend Mr. Goode, and it contains provisions which would go far in the direction contemplated by the resolution. As regards the Mining Settlements Act, that measure was a piece of special legislation which was introduced only after other possible measures under other Acts had been tried and had failed. The solution was found in the creation of the Mines Board of Health which contains representatives of the interests concerned and has jurisdiction over landowners as well as over coal mine owners. The Board exercises general sanitary control over the mining settlement, and it meets the cost of its services by means of a local levy from those directly interested. In dealing with the problem of the coal mines Government had the willing and helpful co-operation of the Indian Mining Association, and similarly if a measure is to be brought forward for the tea garden areas Government would naturally desire to have the sympathy and support of the Indian Tea Association and of the Planters' Associations.

Mr. Irwin.

I now turn to the question of medical supervision and treatment. Our latest report for the Duars states :—

'There are 8 European doctors with British qualifications in medical charge of the 93 gardens under European management. Besides this, two registered and well-qualified Indian doctors with Calcutta University degrees, have been appointed this year to supervise the medical arrangements of two large groups of gardens under Indian management. These groups consist of 8 gardens in the Eastern Duars and 8 gardens in the Alipore-Duars. Therefore, no less than 109 out of the 129 gardens are now under proper medical supervision.' The Civil Surgeons goes on to say—'The great majority of the Doctor Babus in charge of the dispensaries are still unregistered men of inferior qualifications, but matters are much improved by the increase of proper supervision and this should lead to a better control of epidemic disease.'

In Darjeeling there are tea garden doctors but the number of qualified men both among them and among the compounders is not at present adequate. The provision of compulsory medical supervision and treatment by each tea garden would, however, go further even than the Mining Settlements Act.

As for the mills, the largest employers of labour, the Factories Act does not provide for medical supervision and treatment, but they make excellent arrangements in their own interests. The merchant princes of Calcutta are alive to the fact that it pays to keep their employés well and to look after their bodily welfare. Most have a residential medical staff consisting of qualified Indian doctors, with university degrees, of the Assistant Surgeon class in addition to European consulting medical officers. Many also have well-found dispensaries; some, in fact, are splended institutions, such as those of the Gouripore Mill at Naihati and the Alliance Mills at Bhatpara. I could wish that the Hon'ble Mover could, on his retirement, make a tour among the mills on the banks of Hooghly. I venture to say he would have his eyes opened and that he would be astonished at the provision made for the health of the employés.

Apart from the large mills Government are well aware of the necessity for looking after industrial hygiene, particularly when so many small factories are springing up. They realize that industrial hygiene is a matter for careful investigation by the public health staff and that the present industrial development must be carefully watched in order to prevent the creation of sanitary abuses such as followed industrial expansion in Europe. The present system of factory inspection does not give all the information necessary and on this account it is proposed to appoint a specially selected Deputy Sanitary Commissioner with a special staff to carry out an investigation in the coming year.

This explanation of the existing law of what is being already done and of the proposals for the future will I trust, assure the Hon'ble Mover that the matter is receiving and will continue to receive the careful attention of Government, and I suggest that it is therefore unecessary for him to press his resolution."

The Hon'ble Mr. Irwin said :—

"My Lord, perhaps my resolution is somewhat badly worded. I am perfectly aware that almost every factory I know of provides medical supervision and treatment, but I wanted that in addition to it they should provide certain sanitary conveniences and appliances. When the Hon'ble Member goes on to say that I am too late for the fair, I do not quite follow him.

In one breath he says that the Factories Act provides for what I am advocating and in the next he says that Tea Factories for which I am principally speaking are excluded from the provisions of the Act. Therefore, I wish to draw the attention to that with a view to having tea gardens included in the provisions of the Bengal Public Health Bill, which I understand is now under the consideration of Government. However, having drawn attention to the matter I am quite content to leave it to the consideration of Government when drafting the Bengal Public Health Bill."

The Pesident said :—

"Does the Hon'ble Member wish to withdraw his resolution ?"

The Hon'ble Mr. Irwin said :—

"Yes, Sir."

The motion was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 19.

The Hon'ble Mr. Irwin moved the following resolution :—

This Council recommends to the Governor in Council the importance in the interests of the trade, not only of this Province, but of the whole Empire, of expediting the proposed extension of the broad gauge system of the Eastern Bengal Railway from Santahar to Siliguri, and that the Government do move the Imperial Government to give effect to the proposal at an early date.

He said :—

My Lord, "I do not propose to take up the valuable time of this Council with a long speech elaborating the various arguments in favour of the object of this resolution. To those who have travelled over the line and know anything about the matter, the handicap, which the break of gauge imposes on traffic of all descriptions, must be so self-evident that further evidence is surely not required to convince them of the importance of eliminating it with the least possible delay.

When I first came out to this country the Eastern Bengal State Railway was comparatively speaking a very short line, and there was no Railway in existence on the north bank of the Ganges; subsequently the Northern Bengal State Railway, as the northern section of the Eastern Bengal State Railway was then styled, was constructed with the metre gauge, and I am probably the only European still in this country who was present when the first train ran into Siliguri in, if I remember right, the autumn of 1878.

Nearly a quarter of a century later in 1902, I took a leading part in organising and then presiding at a mass meeting held in Darjeeling, to which the Bengal Chamber of Commerce, the Indian Tea Association and the Calcutta Trades' Association sent representatives, to urge upon Government the enormous importance to the trade of the Province of connecting the northern and southern portions by a bridge over the Ganges.

The meeting was a large and most representative one, and copies of the proceedings were sent to His Excellency the then Viceroy and to the Secretary of State for India, and I think it is not too much to claim that it turned the scale in favour of the immediate construction of what is now known as the Hardinge Bridge.

Mr. Irwin.

Twelve years later on, I think, 4th March 1914, I had the pleasure of being present when His Excellency Lord Hardinge opened the bridge, and I crossed it in the first passenger train and also in the first ordinary mail which ran over it.

It is not therefore perhaps altogether inappropriate that I should have the honour of urging upon Your Excellency the great importance of eliminating the break of gauge on the main line and extending the broad gauge system right through to Siliguri.

At the time of the meeting above referred to held to urge upon Government the construction of the bridge, I believe I am correct in saying that it was taken for granted by almost everyone that the construction of the earthwork, widening of the bridges and laying of the broad gauge line would proceed simultaneously with the making of the bridge, and had it been then understood that the immediate construction of the bridge only was contemplated and that the extension of the broad gauge was to be indefinitely postponed, it would then have been the subject of very strong representation to Government.

Without the uniformity of gauge throughout the main line system the construction of the bridge alone leaves the work only half carried through, and it requires the completion of the broad gauge to put the coping stone on the whole.

For years after the opening of the Hardinge Bridge, in fact, I believe, during the first three years of the great War, work was actually being carried on with the broad gauge extension, but I think I am right in saying that during the last two years it has remained entirely in abeyance.

To refer briefly to the arguments in favour of the speedy elimination of the break of gauge I would mention the following as amongst the most important :—

First—the extra expense curtailed by transhipment of goods and passengers ;

Secondly—the legitimate damage to goods which is unavoidable when they have to be transferred from one wagon to another ;

Thirdly—the illegitimate damage incurred from not only petty pilfering but from wholesale robbery which is very difficult to detect and impossible wholly to prevent ;

Fourthly—the delay which the transhipment necessarily entails both on passengers and goods ; and

Fifthly—the impetus that would undoubtedly be given to trade.

It appears to me that it is hardly necessary to say anything in support of the above arguments, the very mention of them alone to my mind carries conviction but as regards—

First—I may say that in these days of strenuous trade competition manufacturers and agriculturists are compelled to cut down and curtail expenditure to the very lowest ebb if they are to compete successfully in the markets of the world with similar articels from other quarters of the globe ;

Mr. Irwin.

Secondly—as regards legitimate damage I need hardly point out that a certain amount of damage must occur in removing heavy articles from one vehicle to another, which would be avoided if they went right through in the original truck. The damage done is unavoidable, and if the loss falls upon the railway the management must necessarily provide for it by charging a higher tarif than would otherwise be necessary, so that the loss must eventually, in any case, fall upon the owner of the goods, thus raising his cost of production ;

Thirdly—to take loss from theft ; only those who are heavy importers or exporters over the line and the railway staff and police are aware of the facilities which the transhipment of goods afford to wholesale robbery. It must necessarily occur that goods in course of transhipment must lay sometimes days or even weeks on end at Santahar awaiting trucks, and train thieves avail themselves of the opportunity thus afforded only too readily ; bags of grain are cut open, several seers abstracted from each bag and the incision carefully stitched up again—tins of oil are pierced and the whole of the contents drained off into another receptacle, so that many tins out of a consignment are delivered empty and the consignment being at 'owners' risk' the whole loss falls on the owner ; and as for coal the loss amounts in some cases to a very large percentage of the whole, but is never altogether absent ;

Fourthly—As regards delay in transit not to speak of the loss of interest on the proceeds of the sale of a large consignment of goods occasioned by delay in bringing them to the market there is the much more serious delay often incurred by produce losing a good market when the special article in question is at a premium and having to be sold possibly when the market is glutted. That both railways and producers realise this is proved by the fact that special express goods trains are constantly run for which higher rates of transit are charged which producers evidently avail themselves of or the trains would not be scheduled, thus proving that merchants are fully alive to the serious loss which the delay of a few days, such as often occurs from a block of goods at Santahar, may occasion ;

Fifthly—to refer to the impetus likely to be given to trade in Northern Bengal, I have it on the authority of an influential railway official of long experience and high standing that to quote his own words 'there are prospects of rapidly increasing traffic and this increase will be much more rapid when the great obstruction of the break of gauge at Santahar is removed.'

On the increased comfort to passengers, from the highest to the lowest, when one can get into the train at Sealdah at 10 o'clock at night and awake at 6 o'clock next morning at Siliguri, I need not dilate. I can only earnestly regret that I shall not be here to participate. Your Excellency in common with the rest of us, Darjeeling passengers, realises no doubt the difference that it would mean.

In conclusion, my Lord, I would point out that this resolution, if accepted, commits Government to nothing, it merely asseverates the importance of the matter and asks that the Imperial Government will give its serious consideration if or directly funds are avaiable. I therefore trust that Your Excellency's Government will not reject my petition."

Babu Kishori Mohan Chaudhuri; Rai Debender Chunder Ghose Bahadur; Rai Radha Charan Pal Bahadur.

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, in this connection I may be permitted to point out that there is another line which is of more urgent interest than the opening of a broad gauge line up to Siliguri—I mean the connection of the Godagari line with the Ishurdi line. Last year in the Imperial Council in reply to a question by the Hon'ble Maharaja Sir Manindra Chandra Nandi it was stated that the line from Ishurdi to Nachole *viâ* Rampur-Boalia, was decided upon, but it could not be taken in hand for want of funds. That line would tap the jute and paddy-growing parts of Barind to a great extent, and it would also make the line from Katihar to Godagiri a paying one. As far as my information goes that line has not been working well and the ferry arrangement at Godagari for transhipment of goods has been abolished. When it has been conceded by the Imperial Government and the survey is complete and the estimated cost has also been published in the *India Gazette*, I beg most humbly to submit to Your Excellency that this line should not also be lost sight of, and I submit that before anything is done for broadening the gauge of the line between Santahar and Siliguri this line should be taken up. In connection with the broad gauge line one thing should be borne in mind. The line from Bogra to the Assam line and that from Parbatipur to the Assam line are all metre gauge lines. They should also be broadened in order that full benefit of the extension might be derived in the matter of the extension of trade and commerce. I beg to submit that the Government should bear this in mind when broadening the gauge between Santahar and Siliguri."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, it is not necessary for me to say much upon the necessity of altering the gauge of this section of the railway. All that can be said on this point has been put before the Council by the Hon'ble Mr. Irwin, but he did not refer to the discomforts of the passengers at first but said something about it later on. I should like to put in a word or two from the point of view of passengers. It may be that the making of the bridge at Paksey has done some good to the owner of goods. I do not know if the making of the bridge without the broad gauge line from Santahar to Siliguri has been of any advantage to passengers. I used to enjoy the steamer trip across the river lasting about an hour, but now I have to get up at 11 o'clock at night to change trains at Santahar. If I had any voice in the determination of this question years ago I should certainly have said that unless you broaden the gauge up to Siliguri it is no use making a bridge. It seems that people are not getting the full benefit of the enormous expenditure which was incurred in bridging the river Padma. I know that the Bengal Government have no control over the matter, but it is the concern of the Imperial Government to act on the advice of the Railway Board. It may be that the war has retarded the carrying out of the original idea, but I think it would not be out of place if we are to ask the Bengal Government to move in the matter and get the Imperial Government to attend to our wants and to complete what must have been the original idea."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I rise to support the resolution which has been moved, but I do not wish to traverse the ground which has already been traversed by my hon'ble friend the mover. But there is one matter I would like to mention with Your Excellency's permission and that is this. My Lord, this the last meeting of a Council where we have the pleasure of associating with

Mr. Irwin. Mr. Irwin has spent over 45 years in this country and we all know, specially those who have been associated with him in this Council, the deep interest he takes in the welfare of the country and the well-being of the people"

The President said :—

"Order! Order! The Hon'ble Member really cannot go on like this when speaking on this motion. That would be travelling too far outside the line on which this motion is framed and which deals with the Santahar-Siliguri Railway. He must confine his remarks to the motion, much though I regret having to stop him."

The Hon'ble Rai Radha Charan Pal Bahadur resumed his seat.

The Hon'ble Mr. Cumming said :—

"The Hon'ble Mover has given an interesting account of the development of railway communications in Northern Bengal. The future of such railway communications has been the subject of very careful consideration by the Local Government, the Railway Board under the Government of India and the Secretary of State. The main line of development that has been accepted in principle is that the west and east communication should be on the metre gauge and the north and south communication on the broad gauge. It is of course well-known that the present break of gauge on the north and south line is at Santahar, and the Hon'ble Mr. Irwin in his resolution desires that the broad gauge system should be extended from Santahar to Siliguri. Now it is the case that the project of such an extension was supported by the Local Government in 1915 and again by the Railway Board under the Government of India in 1916; and in view of such support I am in a position to say on the present occasion that the Bengal Government accept the resolution to this extent that they are prepared to send a copy of the proceedings of the present debate to the Railway Board.

The last pronouncement on the subject was that of the Secretary of State in 1917. It was in the following terms. The Secretary of State accepted in principle the conversion of the section from Santahar to Parbatipur to the broad gauge. As regards the line from Parbatipur to Siliguri, the Secretary of State did not deny that the conversion of this length of line from metre gauge to the broad gauge was a desirable object. He thought that the eventual extension of the broad gauge to Siliguri was a work which should be kept in view, to be proceeded with when financial conditions permitted; but he did not think that it could be regarded as comparable in point of urgency with many other railway improvements for which funds would be needed after the end of the war, and, having regard to the difficulty which was likely to be found for some years in providing sufficient money for pressing railway requirements, he doubted whether for a long period it would be justifiable to appropriate funds to the work in question.

That was the decision of the Secretary of State in 1917. Since then the war has happily ended; and the views of the Railway Board on the conclusion of hostilities are contained in an answer to a question in the Imperial Council given on the 1st March 1919. On that occasion the President of the Railway Board said that the construction of lines to be financed by Government must depend on the provision of funds, and that in view of the urgent requirements of open lines the money available for new construction is likely to be limited for some little time to come. Today the Hon'ble Babu Kishori Mohan Chaudhuri has submitted an alternative proposal for priority of treatment as regards funds. The project to which he refers, namely, the communication from the north of the Hardinge Bridge to the vicinity of Godagari

has been accepted in principle by the Government of India; but, as he has stated, an intimation has already been given that the project must await the provision of funds.

These are the facts, Sir, and I admit that from the point of view of the Bengal Government the position as regards the north and south line is not satisfactory. The Bengal Government consider that an extension of the broad gauge simply as far as Parbatipur is an insufficient sequel to the construction of the Hardinge Bridge. In this connection, however, it must be remembered that there is a matter for congratulation or consolation. The possibilities which were placed before the Secretary of State were the extension of the broad gauge for the whole line from Santahar to Siliguri and the doubling of the metre gauge from Santahar to Parbatipur. It may be considered a matter for congratulation that the Secretary of State in his decision was at any rate not in favour of the second alternative, namely, the doubling of the metre gauge from Santahar northwards. If this decision had been made, it might have been a serious obstacle—possibly an obstacle for all time—against any subsequent development of the broad gauge on the northern section of Eastern Bengal Railway. As I have already stated, Government are prepared to accept the resolution as it stands to this extent that a copy of the proceedings will be forwarded to the Railway Board under the Government of India."

The Hon'ble Mr. Irwin said :—

"My Lord, in view of the assurance given by the Hon'ble Mr. Cumming I am quite content to let the matter rest, but at the same time I should like to point out that many lakhs of rupees were spent at Santahar on buildings, etc., which, when the broad gauge is extended, as I imagine, eventually to Siliguri, will be wasted. I am afraid that when the broad gauge is extended up to Parbatipur there will again be an unnecessary waste of public money on buildings, etc., which would be useless in course of time."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 20.

The Hon'ble Kumar Shib Shekhareswar Ray moved the following resolution :—

This Council recommends to the Governor in Council that immediate protective works be undertaken to save the town of Pabna from further erosion by the river Padma.

He said :—

"My Lord, I am sorry that I have to bring such a purely local matter before the House in the form of a resolution. I should say at the outset that apathy and inactivity on the part of Your Excellency's Government are alone responsible for my action. I cannot but admire the patience and preseverence of the people of Pabna with which they have made repeated representations to Your Excellency's Government in this connection, but I am constrained to state that the Government hardly took any serious notice of their prayer. I am told that the Government even did not think it necessary to acknowledge receipt of the various memorials that have been submitted to the Government. The people of Pabna whom I have the honour and privilege to represent in this Council, as a last resort, have asked me to have the matter discussed in the Council, hoping against hope that thereby the wheels of the

Government might be set in motion. From the procedure the people of Pabna have so long followed in this connection, I might hope that the facts of the case are well-known not only to Your Excellency's Government but also to Your Excellency personally. However for the benefit of the House, I think I should give a brief history of the case.

Pabna is a pretty big town beautifully laid out and is the headquarters station of the district which is called after it. It is considered as one of the healthiest places in the district and has, therefore, been a favourite resort of the people from the interior who have settled there and constructed substantial buildings. It has a first grade college and a well-equipped technical institute, several schools, a model agricultural farm and one of the wealthiest central co-operative banks. A big trade in jute is carried on there and the town has a a growing prosperous population. A small stream passes through the town and the great river Padma, until lately, flowed at a distance of about 3 miles from the town. Some sixty years back this river flowed by the town itself, but when it changed its course, a high sandy char was formed and intervened between the town and the Padma. This char was subsequently inhabited by agricultural population. Everything went on peacefully till 1916, when the river suddenly changed its course again and began to engulf the char. The people of the locality, who are well conversant with the vagaries of the Padma, naturally got alarmed and moved the authorities to take timely action for the safety of the town. But the river was yet far away from the town and the authorities paid no heed to their apprehension. During the rains in 1918, when Your Excellency graced the town with a visit, the river had made further encroachments and had in fact swallowed up the whole of the char and also a populous portion of the town itself and actually threatened the Government Circuit House built at a great cost. The people of Pabna were quite frightened by this time, and in their address of welcome to Your Excellency, they brought the fact to Your Excellency's notice. They said—

'We apprehend that unless some precautionary measures be adopted at the close of the present rains, the civil station itself will be in danger of being diluviated during the next rains.'

Your Excellency in reply was pleased to say—

'The Chief Engineer in the Irrigation Department has already inspected the scene of the erosion during the present year. He informs me that the river has gone back to the old channel which it occupied sixty years ago, and he does not expect that further serious erosion will take place. At the same time he proposes to keep the position under careful observation with a view to taking such measures as may be found possible, should the necessity arise.'

It was a great assurance coming as it did from Your Excellency's lips, and the people of Pabna went away satisfied that their home and hearth were safe and that Your Excellency as promise-bound, to quote Your Excellency's own words, would take such measures as may be found possible, should the necessity arise. But, my Lord, the experts who in turn had assured Your Excellency that no further serious erosion would take place, had counted without their host. Soon after Your Excellency left Pabna, the river made further inroads and went far beyond its old bed, washing away in its course the circuit house itself and several other pucca buildings. However, the assurance that Your Excellency had given to the people kept up their spirits all through the rains. But when the cold weather set in, still they found no tangible sign of official concern in the matter, they thought that perhaps it was a case of 'out of sight out of mind' with Your Excellency, and

Kumar Shib Shekhareswar Ray.

in January, 1919, they sent up a memorial to Your Excellency, in which they set out their case in detail and prayed for protection. My Lord, this memorial must have got entangled in the huge mass of red-tapes in the Secretariat as no reply was vouchsafed nor does it appear that any steps were taken to the knowledge of the people. Then when one of my colleagues had actually sent in notice of a question on the subject to the Secretary of this Council it appears that for the first time after Your Excellency's assurance the authorities began to take any interest in the matter and the place was visited by our official colleague sitting opposite, the Hon'ble the Chief Engineer. He was too late. The river was too full at that time and it was evidently impossible for him to come to any decision as to the protective measures to be undertaken. All the same, a deputation of leading townsmen waited on him. A prominent member of the deputation who saw me afterwards said that he could not make out the attitude of the Chief Engineer. It, however, was apparent to the deputation that the matter had not received any serious attention till then. The statement that the Hon'ble Mr. Cowley made before the House in reply to the question already referred to by me, also makes it clear that in spite of Your Excellency's assurance a year back, the matter had not been properly investigated by the authorities concerned nor any schemes had been prepared by them. Mr. Cowley then stated :—

'It is not possible to state with certainty to what further extent erosion will continue, but it is possible that the houses occupied by the Collector and the Superintendent of Police may have to be vacated. The position was inspected by the Chief Engineer in the Irrigation Department on the 19th August; it is under the careful observation of the local officers of the Public Works Department; and a further inspection will be made by the Chief Engineer when the river level falls sufficiently. Any project for the permanent protection of the town and Government buildings is likely to cost a very large sum of money, a full report will, however, be submitted to Government with the recommendations of the Chief Engineer of the Public Works Department as soon as the river level falls sufficiently to enable a more thorough inspection to be made.'

The people of Pabna in despair submitted another memorial to Your Excellency on the 25th August last. I shall quote a few extracts from this memorial. They would speak for themselves.

'This is the third year since the Padma river which remained hitherto at a safe distance has begun its ravages on the town of Pabna. In the first year of its attack a large *char* known as Char-Sadipur as well as a portion of the Ichamati river, a branch of the Padma, flowing in a winding course south and west of the town, was swallowed up in the course of a few weeks during the rains, and also some portion of the Municipal town known as Ramchandrapur, Dewangunge and Sadhupara, etc. But we regret to submit that last year the erosion was so rapid that a great portion of the town was washed away together with the Government Circuit House buildings to the south of the Collector's bungalow. Hundreds of towns people were made homeless and many valuable gardens and orchards were destroyed.

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'This year the Padma has begun its ravages with tremendous fury, with the result that the fell river is now within 100 yards from the Collector's bungalow and about 400 yards from the Civil Court buildings.

* * * * * *

'Judging from the daily rate of its erosion it is likely to wash away the small strip of land, that is the remaining portion of Ramchandrapur, Dewangunge, and Sadhupara, etc., and will also swallow up the remaining southern

part of the Ichamati, in which case not only hundreds of houses will be washed away, but the Collector's bungalow, the District and Sessions Judge's bungalow, the Civil Court and Collectorate buildings the Pabna Institution, the Mission House, the Elliot Bonomali Technical School, the District Board and the Municipal Office buildings, in fact the whole Civil Station of Pabna together with the Church and many valuable and private buildings and houses will collapse under the rush and fury of the river.'

My Lord, no reply has as yet been sent to this memorial.

In January last I was again informed that there were still no signs of any protective measures being undertaken. As a result I have been pressed to bring forward this resolution before the House. My Lord, this is a very serious matter. It involves the very existence of a prosperous town. The river not only threatens the loss of property both public and private worth more than 80 lakhs of rupees, but also renders a large number of people within a small area liable to be deprived of their ancestral homes. The feelings of the people there are naturally very strong over the subject. It touches both their purse and sentiment. I can hardly imagine that the Government do not realise the gravity of the situation. My Lord, now is the time for undertaking protective works. The river level is now sufficiently low and we have still five months left to push on with the works. I pray, my Lord, that no further time be allowed to be wasted. I appeal on behalf of the people of Pabna that immediate and adequate steps be taken to save the town from further erosion by the Padma."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I join in this appeal. Last year when I was informed of it I telegraphed to Government and I was assured that the needful would be done, but nothing was done. I also asked one or two questions on the subject, and from the replies given this morning I learn that a sum of Rs. 2,60,000 has been provided for the immediate protection of the town. As the circumstances are, the sum provided is not adequate, as the cost of revetting a mile is probably not less than 6 lakhs of rupees. There is an apprehension in the minds of the Pabna people that their fate is doomed and the headquarters station will be removed to somewhere else and that nothing will be seriously done for the protection of the town. I am glad that attention has been drawn to the subject and something has already been provided, and I believe that if more funds are required they will be provided. The protection of the town is a necessity, and the people as well as Government will suffer a heavy loss if the town is washed away. If the headquarters station is removed to somewhere else that will also be another misfortune to the people of Pabna. I therefore join in this appeal and hope that for the protection of Pabna all that can be done will be done without delay."

The Hon'ble Mr. Cumming said :—

"My Lord, I can understand the feeling of alarm of the people of Pabna regarding the gradual encroachment of the Padma river on their town; but I repudiate absolutely the suggestion which the Hon'ble Mover has seen fit to make that this matter has not been seriously treated. I do not think that the Hon'ble Mover has been properly informed. He has also made the assumption that because the local people see that nothing is being done locally therefore nothing at all is being done. There is also the tacit assumption that Government are responsible for the protection of private land on the banks of these big rivers. Government do see fit on occasion to take measures of protection; but Government cannot accept any such responsibility as the Hon'ble Mover indicates.

Rai Debender Chunder Ghose Bahadur.

Now, Sir, I wish to say that in view of the fact that action has already been taken on the lines suggested in the resolution, Government are prepared to accept the resolution. The lines on which action has been taken are contained in the answer which was given at this morning's sitting; and with Your Excellency's permission I shall read the relevant portion.

'Government have decided to construct a short length of protective revetment at a point on the river bank a little distance above the town, which, it is hoped, may have the effect of diverting the main current of the river outwards on the southern bank and thereby cause scour on that side and avert the erosive tendency of the river opposite the town.

'The proposed work is estimated to cost Rs. 2,60,000; and it is intended to complete the revetment before the coming flood season.'

That being so, Sir, it is incorrect to state, as has been stated in a pamphlet, which was circulated to the press this morning, but a copy of which has so far not been sent to Government, that it is the intention of Government to leave Pabna to its fate and to build a new headquarters for this district elsewhere. Such a rumour is entirely without foundation.

I should like to add that the two Chief Engineers as well as the local engineers have visited the place, both during the monsoon period and after the monsoon period; and I have personally inspected the conditions in the month of October last. On that occasion the attitude of the local people was not at all on the line which the Hon'ble Mover has thought fit to adopt. They thoroughly understood what the Chief Engineer had said to them, and they understood the position. As stated already, the resolution is accepted because action has already been taken to carry it into effect, namely, it has been decided that before the next monsoon a revetment will be erected to the west of the town which, it is hoped, will have the effect which has been described in the answer to the question this morning."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I have not that special knowledge which the Hon'ble Kumar Shib Shekhareswar Ray and the Hon'ble Babu Kishori Mohan Chaudhuri have in the matter, but I have been supplied with certain facts and I confess that I am surprised at the repudiation of the obligation of the Government to protect the banks of the river Padma because it will result in the protection of private property—if I have understood Mr. Cumming rightly. I take it that the result will be as stated, but it is not to be expected that when a calamity of this magnitude threatens private property on the banks of a big river that the property owner is expected to protect his property with revetments of a magnitude which is equal to resist the force of the waters of the river. In an important matter like this Government should take the work in hand, but still as owners of property will be considerably benefited they should also pay towards the cost of the undertaking. That is all that the Government can properly say. But to say that they have no responsibility in the matter is an unjustifiable proposition. I am glad to hear, however, that Government do not stick to their theory of non-obligation and are really trying to erect protective works by next monsoon. It has been suggested to me that the erosion of the river towards the town of Padma was due partly to the building of a bridge some miles down and to the training works higher up necessary for the stability of the bridge. The suggestion has, I think, some force. If you restrict the course of the river on one point the water will go to another point and break through land either on the northern or on the southern side. That has happened in other cases and it may not be unusual that it has happened in this case also owing to the construction of the Hardinge Bridge. If that be so, then the obligation of the Government is quite clear. If the

works of the Government have resulted in the injury of private property—I am not of course expressing a legal opinion—it seems that the property owners have a just claim on the Government for coming to their rescue and in helping them against future calamities. Therefore, I support this resolution."

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"My Lord, I am much obliged for the acceptance of the resolution by the Government. The people of Pabna will undoubtedly be much relieved to learn that the Government have at last been roused to activity. I am sorry if any of the statements made in my speech are incorrect, but I should point out that they are entirely based on information received from most reliable sources. My Lord, I gather from the statement made by the Hon'ble Mr. Cumming that a sum of Rs. 2,60,000 is proposed to be spent on the protective works at present. But a leading citizen of Pabna who is present here to-day tells me that sufficient work cannot be done with this sum He says that the protective revetment should be at least one mile in length. I therefore hope that the whole thing will receive proper and adequate consideration in the light of experiences gained during the next rains."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 21.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved the following resolution :—

This Council recommends to the Governor in Council that steps be taken forthwith to improve the pay and prospects of Government subordinates and other ministerial officers in various departments under the Government of Bengal, with a view to give them immediate relief from the grave economic conditions prevailing at the present time.

He said :—

"My Lord, the resolution which I beg to move is a very important one. I have been asked by the people of this Province to press this resolution for the judgment of the Council. In one form or the other the subject has come to the notice of Government. If I do plead for the subordinates who are in the service of Government, I do so under a conviction that Government must consider the justice of their claim to higher salaries than what they now get. For various reason the Government subordinates are feeling great difficulty in making two ends meet. The average price of principal food-stuffs in India has been ascertained (*vide* the report of the Food-stuffs Commission). In the year 1900 it was 116 ; in 1910-13, 105 ; in 1914-17, 124 ; in 1918, 136 ; in 1919, 235. I am talking about the index numbers average of 1900-1909-10. No doubt India escaped lightly in the first three years of the war. Compare the average price of food-stuffs in 1919 with that of 1900. Really, without any comment, it must be said that the present price has risen very high. It has not only pressed very hardly upon the poorer classes and on people on small fixed incomes in the town, but the effect of them has been felt by every section of the community. This is admitted by the Commissioner in his report.

My Lord, in 1909 a circular was issued by Sir Henry Wheeler, when he was Secretary to the Government of Bengal, dated 23rd December, containing certain arrangements for the improvement of the pay of ministerial officers in the offices of the Divisional Commissioners and District and Subdivisional

Rai Mahendra Chandra Mitra Bahadur.

offices based upon a report of the Ministerial Officers Salaries Committees (Volumes I and II). The subordinates of Government are thankful to Government for an appreciable increase of their salaries in the year 1909.

In March last I brought a resolution, in which I asked Government to increase the pay of the clerks. I submitted a tabular statement shewing how other Provincial Governments increased their clerks' salaries.

I would solicit a reference to the rules published at pages 1812-1815, Part I of the *Calcutta Gazette* of the 19th November 1919, laying down certain regulations for the appointments *in the clerical services of the Bengal Secretariat*, from which it will be seen that a system of time-scale has been introduced, so far as the staff of the Lower Division is concerned. While this measure has given some relief to a large number of ill-paid assistants, it is most unfortunate that no steps have been formulated to improve the deplorable condition of other low-paid assistants *in other offices*. If the Lower Division staff deserves such recognition at the hands of Government, surely it is the duty of Government to consider the claims of innumerable ill-paid assistants whose pitiable condition in view of the present economic stress beggars all description. In view of the war conditions several mercantile and commercial firms, the Railway authorities, including the State-owned Eastern Bengal Railway, have given substantial increments to their assistants, but no recognition has been shown to the dire distress of the poorly-paid subordinate officers of Government in various departments. While thanking Government for the grant of war allowance to the whole-time Government servants up to a certain limit (5 per cent. of their pay to those drawing up to Rs. 50) yet this help is like a drop in the ocean.

My Lord, in the offices of the Accountant-General, Bengal, Comptroller-General, India Treasuries, and the account offices under the Postal Department under the Government of India, a time-scale pay has been sanctioned and introduced by substantially improving the position of the assistants in these offices. If the offices under the Government of India, located in Calcutta, could be remodelled in this way does it not appear reasonable and proper to improve the condition of those officers subordinate to the local Government and located in Calcutta?

I put an interpellation on the 19th November last in the Council to ascertain whether Government are inclined to make an inquiry on the lines indicated by the Salaries Committee in Madras. The existence of economic conditions in this country predicates the serious necessity of the consideration of this matter. I entertain the idea that Government will be in a position to grapple with this important demand of their subordinates. They are discontented with the small salaries allowed to them, while they toil day and night to cope with the work entrusted to them. It is for the Government to formulate settled rules for the increase of the salaries of all officers, including the menials. It is my business here to-day to bring this fact to the notice of the Council so that Hon'ble Members may recommend to Government to allow substantial increase to the salaries of their subordinate staff.

My Lord, Sir Henry Wheeler told us in September last in the Council: 'It is perfectly impossible for this Government with the best intentions in the world to save their servants from the effects which are common over so wide an area.' In another part of his speech he observed: 'We have given relief to the extent of Rs. 4 lakhs; the full scheme, if carried out, will cost us about 17 lakhs.' If I am told why this matter of the increase of the pay of Government subordinates is brought to the Council again and again I would draw attention to the answer to my interpellation in this Council on the 19th November by the Hon'ble Mr. Payne. He said: 'The question of assimilating the pay of ministerial officers in Eastern and Western Bengal is under consideration. Beyond this, no general inquiry is at present contemplated and in

the existing abnormal economical resources of the province, the time for such an inquiry is scarcely opportune.'

My Lord, I am led to think that the existence of the abnormal economical condition argues the absolute necessity of improving the pay of Government subordinates. The average price of the chief food-stuffs has gone up to a high figure. There is dire distress in this quarter and is there no way to afford them relief? These men cannot purchase food and cloth; they cannot properly maintain their family; yet they serve Government and no other master. They pay high rents for the houses where they lodge.

I am sensible of the fact that there is a strain on the finances of the Government.

My Lord, is it impossible to provide something for the benefit of those people for whose cause I am pleading before the Council to-day? My Lord, I find that there is an increase of pay in the Civil Service, the Educational and Engineering Departments of Government. The other day I learnt that it was difficult to get the service of a police constable on a salary of Rs. 10. Is there no money for the dumb lowly paid subordinates of Government? Cannot Government formulate a time-scale rule in all offices subordinate to Government? The entire increment will then not be paid in one year. It will be no doubt an additional burden on the finances of Government, but it is a burden which a sympathetic Government should be called upon to bear in view of the economic conditions brought about by the war.

"My Lord, I repeat that the practical part of my resolution is the introduction of a time-scale in all offices subordinate to Government."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, as it is late in the evening I do not wish to detain the Council but I simply wish to support the resolution."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"I also do not wish to detain the Council, but I join wholeheartedly in the piteous appeal of the ministerial officers."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I also will follow the example of the previous speakers and be as brief as possible at this hour of the day.

First of all I invite the attention of the Council to the extraordinarily wide nature of this resolution which proposes to recommend an improvement in the pay and prospects of Government subordinates and other ministerial officers in various offices, which, if it means anything at all, practically means that we should take up the revision of the pay at least of everybody who is not within the category ordinarily known as gazetted officers, and the Council would do well carefully to consider the magnitude of that proposal before they endorse it.

This resolution is not a new one. It is an echo of the three resolutions which we had in Dacca in August last, which were preceded by a similar resolution in March 1919, which again, in its turn, was preceded by a resolution in August 1918. Therefore all the arguments that are available are fairly well known to the Council, and my answer to-night will necessarily be very much by way of repetition.

Our main reason on previous occasions, and on this occasion also, for demurring to the acceptance of the resolution is not that it does not propose

Rai Mahendra Chandra Mitra Bahadur.

in a very large measure what we have done, and what we are doing, constantly as different cases arise, but because, as interpreted by previous speakers and as it would be interpreted by anybody who looks at it, the resolution apparently would require us, in view of the fact that the cost of living has gone up, forthwith by a stroke of the pen to enhance the pay of all our non-gazetted employees by something approaching a percentage equal to the rise in the cost of living, and that is a step which it is not practical politics for us to take. We are perfectly well aware that prices have risen, and nobody can fail to be aware of it, when they now press so heavily on us all. But, as I have said on previous occasions, that is a hardship from which we cannot relieve our employees altogether, more specially our clerical employees. It must be evident to everybody—it is not true of India alone—that with the wide diffusion of elementary education in the world at present a clerical career is bound to be one of the worst-paid careers that any man can take up, and the clerical service cannot expect the same emoluments as a successful merchant or a professional man can earn. Clerks deliberately take up a career in which the prospects are poor. Nothing we can do can alter that fact.

We have again the repetition of the old statement that mercantile firms have done much for their clerical staffs while Government have done nothing. That is not the case. We gave relief on a large scale to our menials involving an expenditure of 4 lakhs of rupees a year; we gave relief to clerks on pay below Rs 50, which involves an expenditure of Rs. 3½ lakhs; we have just improved the prospects in the lower division of the Secretariat; we have got a further scheme before the Government of India affecting menials, which (taken with what we have already done) would amount to some Rs. 17 lakhs, and we are contemplating the raising of the pay of head constables, as also of the clerical staff of the Registration Department. This is merely to mention some larger schemes, but there are, of course, in addition the usual isolated instances of raising a pay here and a pay there. We have, therefore, done a good deal according to our resources and according to the relative urgency of different cases. There are indeed many other claims upon us which are equally, if not more, urgent, and which are pressed in this Council with equal persistence. How many times do we hear about the need of raising the pay of teachers in primary schools? How many times do we hear about the case of the sub-deputy collectors, the case of munsiffs and sub-judges, and in fact of nearly every cadre in Government service? Therefore, Sir, our objection to this resolution is that it cannot be interpreted in any other way than that of urging us to take action on more general lines than it is practicable for us to do. What we can do in individual cases we are doing and will continue to do."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I have listened to the speech of Sir Henry Wheeler and I am disappointed. I find that there is no chance for the Government subordinates to get an increased pay. On three occasions the matter was brought to the notice of the Council; money is forthcoming for other officers in other departments, but for these people, the subordinates of Government, there is no money. That is news, Sir, which has disheartened me. We know the condition of the country and the Council will argee with me that these subordinates are in a very distressed condition. In view of the want of food and clothes all over the country—all over the world—is there to be no relief for these poor men working night and day? That is a point which pressed upon me, and I thought it necessary to bring it to the notice of the Council and Government. But if no money is available, what can be done? Let these poor clerks and subordinates work and work; they have got no other masters to serve and Government have shown no sympathy. What are they to do?

I have done my duty, I have brought it to the notice of the Council an I submit that it is highly necessary that some relief should be afforded t these people. That is all that I have to say."

The motion being proposed a division was taken with the followin result :—

Ayes—13	*Noes—22.*
The Hon'ble Babu Siv Narayan Mukharji.	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I
,, ,, Kumar Shib Shekhareswar Ray.	,, ,, Mr. J. G. Cumming, C.S.I., C.I.E.
,, ,, Babu Brojendra Kishor Ray Chaudhuri.	,, ,, Sir Charles Stevenson Moore, K.C I. C V.O.
,, ,, Sir Doba Prasad Sarbadhikari, Kt., C.I.E.	,, ,, Mr. H. L. Stephenson, C.S.I., C.I.E.
,, ,, Rai Radha Charan Pal Bahadur.	,, ,, Major-General W. H. B. Robinson, C. I.M.S.
,, ,, Dr. Abdulla-al-Mamun Suhrawardy.	,, ,, Mr. F. J. Monahan.
,, ,, Maulvi Abul Kasem.	,, ,, Mr L S. S. O'Malley, C.I.E.
,, ,, Maulvi A. K. Fazl-ul-Huq.	,, ,, Mr. G. N. Roy.
,, ,, Khan Sahib Aman Ali.	,, ,, Mr. A. Marr.
,, ,, Rai Sri Nath Ray Bahadur.	,, ,, Mr. M. C McAlpin.
,, ,, Babu Akhil Chandra Datta.	,, ,, Mr. F. A. A. Cowley.
,, ,, Rai Mahendra Chandra Mitra Bahadur.	,, ,, Mr. W. W. Hornell, C.I.E.
,, ,, Babu Kishori Mohan Chaudhuri	,, ,, Khan Bahadur Maulvi Aminul Islam
	,, ,, Mr. S. W. Goode.
	,, ,, Sir Rajendra Nath Mookerjee, K.C.I.E.
	,, ,, Sir Nilratan Sarkar, Kt.
	,, ,, Mr. M Cathcart.
	,, ,, Rai Debender Chunder Ghose Bahadur.
	,, ,, Mr. W. O. Grazebrook.
	,, ,, Mr. W. H. Phelps.
	,, ,, Mr. H. R. A. Irwin, C I.E.
	,, ,, Babu Surendra Nath Ray.

The following members abstained from voting :—

The Hon'ble Mr. Provash Chunder Mitter. C.I.E.
,, ,, Mr. Arun Chandra Singha.

The following members were absent :—

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M Maharajadhiraja Bahadur of Burdwan.
,, ,, Mr. C. F. Payne.
,, ,, Nawab Bahadur of Murshidabad.
,, ,, Mr. W. H. H. Arden Wood, C.I.E.
,, ,, Mr. Aminur Rahman.
,, ,, Raja Hrishikesh Laha, C.I.E.
,, ,, Mr. R. M. Watson-Smyth.
,, ,, Mr. G. A. Bayley.
,, ,, Mr. M. Ashraf Ali Khan Chaudhuri.
,, ,, Babu Bhabendra Chandra Ray.
,, ,, Mr. Altaf Ali.
,, ,, Babu Mahendra Nath Ray, C.I.E.
,, ,, Mr. K. B. Dutt
,, ,, Babu Ambica Charan Majumdar.

The Ayes being 13 and the Noes 22, the motion was lost.

Adjournment.

The Council was adjourned to Friday, the 5th March, 1920, at 11 A.M., a Government House, Calcutta.

J. F. GRAHAM,
Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.

CALCUTTA,
The 16th February, 1920.

B. S. Press—6-3-1920—1152J—350—W. C. & others.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Friday, the 5th March, 1920, at 11 A.M.

Present :

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I., *presiding*.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. F. J MONAHAN.

The Hon'ble MR. L. S. S. O'MALLEY C.I.E

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DAULA AMIR-UL-OMRAH NAWAB SIR ASIF QADR SAIYID WASIF 'ALI MIRZA KHAN BAHADUR MAHABAT JANG, K.C.S.I., K.C.V.O., NAWAB BAHADUR OF MURSHIDABAD.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. M. CATHCART.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. W. O. GRAZEBROOK.

The Hon'ble MR. W. H. PHELPS

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The President said:—

"Before we proceed with the business that is before us, I have been asked to read to the Council the following letter which has been received by the Secretary to the Council from Lord Sinha of Raipur in reference to a resolution carried in this Council on the 3rd February last :—

17, ELYSIUM ROW :
Calcutta, the 13th February 1920.

DEAR SIR,

I beg to acknowledge with thanks your letter No. 136L., of the 9th February, and shall feel obliged by your duly conveying to the Bengal Legislative Council my grateful thanks for their resolution of the 3rd February, 1920, conveying their congratulations to the British Parliament, the Right Hon'ble Mr. Montagu and myself on the passage of the recent Parliamentary Statute for the better government of India.

I remain,

Yours truly,

(Sd.) SINHA.

I am desired by His Excellency also to make mention of one other matter. It has probably been noticed by Hon'ble Members that subsequent to the publication of the report of the recent Rents Committee there has been a certain amount of criticism of their findings, particularly in the matter of the proposal for legislation, and the hope has been expressed in various quarters that at to-day's meeting of Council some pronouncement will be made as to the intentions of the Government of Bengal in the matter. I may say that while the details of legislation are under reference to the Government of India, and cannot be published pending receipt of their orders, it is the intention of the Bengal Government to propose in this Council legislation on the subject of rents in Calcutta, and we hope to make details of our proposals known in a very few days."

LIST OF BUSINESS—ITEM No. 2.

STARRED QUESTIONS.

The following questions which had been starred were put and answered :—

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***1.**

(*a*) Are the Government aware of the fact that there was a very heavy mortality last year owing to cholera having broken out in an epidemic form in Saugor Island and in Calcutta, during the Ganga Saugor *Mêla*, for which no adequate medical and sanitary measures were, or could be, taken by the District Board of the 24-Parganas? Epidemics the Ganga Saugor *Mêl*

(*b*) Will the Government be pleased to state what precautions, if any, were taken to prevent an outbreak of cholera and other epidemics at these places during the said *mêla* this year?

(*c*) Has the attention of the Government been drawn to the risk which the inhabitants of the locality and the surrounding areas run by being exposed to the danger of infection from the decomposition of the filth that accumulates during the *mêla* and which is left to rot?

(*d*) If so, are the Government considering the desirability of taking such action as they may think proper for the destruction of such filth either by burning or by any other suitable method?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) A statement containing the information asked for is laid on the table.

(*c*) and (*d*) The Hon'ble Member is referred to the reply given under the head 'Sanitary precautions adopted after the *mêla*.' The remarks of the Hon'ble Member will be brought to the notice of the District Board of the 24-Parganas."

Statement referred to in the answer to question No. 1 (a) and (b) (starred)

There was a severe outbreak of cholera at the *mêla* held in 1919 which caused regrettable mortality. Inquiry having shown that the arrangements hitherto made were not adequate to prevent the outbreak of epidemic disease and limit the spread of infection, Government intervened in order to ensure that satisfactory arrangements were made during the *mêla* held in January, 1920. The arrangements may be classified under four heads, viz:—

(1) arrangements for the embarkation and disembarkation of pilgrims in Calcutta;

(2) arrangements on board the steamers conveying pilgrims to and from Saugor Island;

(3) arrangements at the *mêla* itself, and

(4) sanitary precautions after the *mêla*.

(1) *Arrangements in Calcutta.*—The experience of previous years had shown that the congregation of *sadhus* and other pilgrims at different steamer ghats in Calcutta was open to grave objection from the public health point of view. Arrangements were accordingly made for the embarkation of the pilgrims at Matiabruz in Garden Reach under the control of the Port Health Officer. He was assisted by the Health Department of the Calcutta Corporation, which supplied doctors and attendants. The co-operation of the Marwari Association was secured and the labour corps from the depôt close by also gave valuable help in preparing and clearing the ground. With the help of the Executive Engineer, Kidderpore, a large plot of land was prepared for the use of pilgrims. Latrines were erected, shelters constructed and three drinking water tanks set up, a continuous supply of water being given by the Corporation: this supply was greatly appreciated by the pilgrims. A small hospital was erected, which was efficiently managed by the Bengali Company of the St. John's Ambulance Brigade. Medical officers inspected all passengers as they went on board, and several cases of small-pox, as well as of fever and leprosy, were detected and detained. As soon as each steamer was full, the Port Health Officer went on board and saw that there was no overcrowding.

Arrangements were also made for disembarkation at Matiabruz in the event of any outbreak of disease. An Assistant Port Health Officer met the steamers below Budge Budge on their return and telephoned to the Port Health Officer the condition of each vessel. They were examined by the Port Health Officer at the Surinam depôt, and all but two were allowed to proceed to the East Indian Railway jetty at Howrah and to Outram Ghat, where the passengers were disembarked. Two vessels were detained, of which one had two cases of small-pox and the other had two cases of cholera. These patients and their contacts were promptly removed and the patients sent to hospital by ambulance, the contacts being accommodated at the Surinam depôt. The rest of the passengers were allowed to proceed to their homes after medical examination.

(2) *Arrangements on the steamers.*—Special rules for the medical relief and protection against epidemic disease of persons proceeding by steamers to *melas* were issued in notification No. 2 Marine, dated 6th January, 1920, of which a copy is laid on the table. The Surgeon-General supplied assistant surgeons and medical students to accompany the pilgrims on the steamers and flats; they were supplied with outfits of drugs chosen by the Port Health Officer and paid for by the steamer companies. A small hospital space was arranged for in each steamer and flat. Each flat and steamer was inspected and the number that each could carry was fixed; and before they were allowed to embark passengers, they were again inspected to see that the water supply and feeding arrangements were according to the rules. These arrangements were scrupulously carried out by the India General and River Steam Navigation Companies and by Messrs Hoare, Miller & Co., whose co-operation Government desire to acknowledge.

(3) *Arrangements at the Mêla.*—The Sanitary Engineer, the Deputy Sanitary Commissioner for the Presidency Circle and the Deputy Sanitary Commissioner (Dr. Ghosh who was on special duty in connection with the *mêla*) visited Saugor Island during the Christmas holidays, and, in consultation with the Vice-Chairman of the District Board, settled on sites for a cistern for a pipe-water supply, latrines and cholera sheds. After his return Dr. Ghosh was in constant consultation with the District Board regarding medical and sanitary arrangements and with the Marwari Association, the Ramkrishna Mission and other charitable societies regarding medical help.

The Sanitary Commissioner deputed the following officers to the *mêla*:—a Deputy Sanitary Commissioner, two assistant surgeons, and five sub-assistant surgeons; the Sanitary Commissioner himself was also present at the *mêla* and supervised operations on the 15th January. An officer of the Sanitary Engineer's Department was in charge of the pipe-water supply, which Government installed at the instance of the Sanitary Commissioner. The District Board employed an assistant surgeon as medical officer in charge, a sub-assistant surgeon, a compounder and two sanitary inspectors, and also entertained two food inspectors, who were lent by the Calcutta Corporation. The District Board medical officer took over charge of the dispensary and hospital and the services of two steamer doctors were placed at his disposal.

The sanitation of the *mêla* was in charge of the Deputy Sanitary Commissioner, and each sub-assistant surgeon was placed in charge of a certain area, for the cleanliness of which he was responsible. One hundred sweepers, four domes and eight sarkars were engaged. A certain number were detailed for duty at the hospital, and the remainder was divided into five gangs. The largest gang which was under Dr. Ganguli, of the District Board staff, assisted by one of the Government sub-assistant surgeons, looked after the latrine area. The other four gangs were allotted different areas, a Government sub-assistant surgeon being in charge of each. The sanitary inspector, Diamond Harbour subdivision, was in charge of stores and also helped in the disinfection of tanks and other work.

Special care was taken to protect the sources of water supply. Of the four tanks three, which were reserved for drinking water, were fenced round and disinfected once a day, while the fourth, which contained brackish water, was reserved for bathing and washing, and was disinfected twice or thrice a day. The District Board engaged 48 Brahmins to lift and distribute water from the tanks, and no pilgrim was allowed to dip private vessels into the water. Provision was also made to prevent waste water from flowing back into the tank. At one time the whole arrangement was endangered by the fact that the Brahmin water-carriers became tired out and were ready to throw up the work from fatigue. The situation was saved by the Sanitary Commissioner giving them extra help and by recourse to the pipe supply. The pumps were kept working from early morning to late at night, and an unending stream of pilgrims of all classes, including *sadhus* and high class

Brahmins from up-country, drew water from the eight taps. The fact that pipe water was provided was greatly appreciated by the pilgrims.

Besides the disinfectants provided by the District Board the Sanitary Commissioner sent 50 gallons of chlorogen and a considerable amount of phenyle and crude petroleum. Subsequently the Sanitary Commissioner arranged for a further supply of 50 gallons of chlorogen for the purpose of disinfecting drinking water tanks along the boat and road tracks leading to the *mêla*. A supply of cholera vaccine was sent to the *mêla*, while lymph for vaccination was provided both on the steamers and at the *mêla*.

There were four cases of cholera at the *mêla*, but owing to the precautions adopted there was no spread of the disease; there were also three cases of small-pox among pilgrims returning from the *mêla*. There were only three deaths at the *mêla*, viz., two from cholera and one from pneumonia. It is estimated that there were 50,000 persons at the *mêla* and the result must be regarded as creditable to all concerned.

(4) *Sanitary precautions adopted after mêla.*—Every effort was made to leave the *mêla* ground as clean as possible. Excreta were buried as far as practicable; combustible material was disposed of by burning and other rubbish was collected in heaps and sprinkled with disinfectants. The District Board sanitary inspector was sent with a liberal supply of chlorogen to disinfect tanks at the halting places used by the pilgrims, while the Government sanitary staff disinfected tanks between Diamond Harbour and Shikarpur.

Rules referred to in the Statement to clauses (a) and (b) of Question No. I (starred) of the 5th March, 1920.

MARINE DEPARTMENT.

NOTIFICATION.

The 6th January 1920.

No. 2 Marine.—In exercise of the powers conferred by sections 54 and 67 of the Inland Steam-vessels Act, 1917 (I of 1917), the Governor in Council is pleased to make the following rules for the protection of passengers on inland steam-vessels or vessels propelled by electricity or other mechanical power proceeding to *melas* (fairs) against the spread of plague and other epidemic diseases by persons travelling in such vessels and for affording proper medical aid on board such vessels to those passengers who suffer from such epidemic or other diseases. These rules are supplementary to those published under notification No. 82 Marine, dated the 16th August 1918.

Rules.

1. *Definition.*—In these rules *mela* means a periodical gathering of a large number of people for religious or other lawful purposes.

2. Every owner or master of a steam-vessel or vessel propelled by electricity or other mechanical power carrying passengers to *melas* shall have on board—

(*a*) a duly qualified doctor with sufficient medicines and with the necessary transfusion apparatus for the treatment of cholera cases;

(*b*) drinking water at one gallon per head *per diem* or such less quantity as the Local Government may prescribe for each passenger carried, for supply free of charge to the passengers: and

(*c*) a supply of one of the disinfectants mentioned in the list maintained by the Sanitary Commissioner, Bengal, and in such quantity for every 100 passengers as may be prescribed in the said list.

3. Every owner or master of a steam-vessel or vessel propelled by electricity or other mechanical power shall provide—

(*a*) adequate segregation and hospital accommodation on deck at the stern of the steam-vessel to the satisfaction of the Sanitary Commissioner, Bengal, or such officer as he may depute for the purpose before the steam-vessel proceeds on her journey;

(*b*) proper facilities for the supply of wholesome food for passengers and the control of such supply of food by the sanitary or medical authorities; and

(*c*) adequate latrine accommodation to the satisfaction of the Sanitary Commissioner, Bengal, or such officer as he may depute for the purpose.

4. Any person committing a breach of any of the above rules excepting rule 2 (*b*) shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and in the case of a breach of rule 2 (*b*) with fine which may extend to fifty rupees.

F. A. A. COWLEY,
Secy. to the Govt. of Bengal.

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***II.**

Sanction of time scale the Accou offices.

(*a*) Is it a fact that a time scale of pay has recently been sanctioned in the lower grade for the Accounts offices, viz., the offices of the Accountant-General, Bengal, Accountant-General, Posts and Telegraphs, and Deputy Accountant-General, Posts and Telegraphs?

(*b*) If so, will the Government be pleased to state what are the rates of pay sanctioned in these offices and their maximum limit of increment ordinarily?

(*c*) Is it a fact that the work required of clerks in these offices in the lower grade is more onerous and responsible than that of the Bengal Secretariat in the same grade?

Answer by the Hon'ble Mr. Marr:—

"(*a*), (*b*) and (*c*) The Hon'ble Member is referred to the replies given to-day to similar questions asked by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***III.**

Crime in Rajshahi.

(*a*) Is it a fact that of late two Sessions Judges have been employed on the trial of criminal cases at Rajshahi?

(*b*) Is it also a fact that the two Government pleaders in Rajshahi are finding themselves unable to cope with the Sessions business?

(*c*) Are the Government aware that crime has of late increased in the district of Rajshahi to an appalling extent?

(*d*) Have the Government instituted any inquiry into the causes of this increase in crime in the Rajshahi district?

(*e*) Is there any truth in the allegation that this increase is due in some measure to the inability of the Police to detect crime?

(*f*) Are the Government in a position to say to what other causes this increase of crime is due?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) Yes.

(*b*) Government are not aware, nor have they reason to believe, that the two Government pleaders are unable to cope with the work.

(*c*) An increase of crime occurred in the district of Rajshahi in the latter part of the year 1918, and continued during the first quarter of the year 1919, since when crime has steadily declined.

(*d*) Inquiry has been made by the Inspector-General of Police, the Deputy Inspector-General, Rajshahi Range, and the Deputy Inspector-General, Criminal Investigation Department.

(*e*) The allegation is too vague to permit of specific reply.

(*f*) The officers who examined the matter considered that the increase was primarily due to the effects of the flood which occurred in the latter half of the year 1918, which caused economic distress."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***IV.**

Investigation of crime by Deputy Superintendents of Police.

(*a*) Is it a fact that deputy superintendents of police at headquarters of Districts are seldom sent to investigate into occurrences of crime, and that when they are sent they are not allowed to remain on this duty for any length of time?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Government be pleased to state the reason why their experience is not availed of in the investigation of cases?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) The functions of deputy superintendents of police are laid down in Police Regulations, Bengal, Volume I, Rule 125 (*2*). They are not generally employed in the investigation of cases, but are freely empowered by Superintendents of Police to supervise important investigations. Full discretion is given to them as to the time to be devoted to the supervision of specific cases.

(*b*) Their experience is utilised in the supervision of investigations."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***V.**

Village chaukidars

(*a*) Is it a fact that village chaukidars are paid Rs. 5 only per month?

(*b*) Is it a fact that these village chaukidars are not whole-time men and that they are compelled to take up other occupations for their livelihood?

(*c*) Are the Government aware of an opinion that has been expressed that these chaukidars can hardly be expected under these conditions to work satisfactorily as police officers?

(*d*) Are the Government considering the desirability of appointing a committee or of taking such other steps as they may deem fit to examine the question of these chaukidars with a view to making them more serviceable by employing them as whole-time men on increased emoluments?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) Under the Chaukidari Act the pay of chaukidars is fixed at a minimum of Rs. 2 and a maximum of Rs. 6. Under the Village Self-Government Act no maximum or minimum is imposed, but the pay is determined from time to time by the District Magistrate after consideration of the views of the union board. In most districts of the province the pay is now Rs. 6.

(*b*) and (*d*) Chaukidars are not whole time servants and their pay is fixed upon this basis. The question of making them whole time servants has been discussed on many occasions, and the conclusion arrived at was that the balance of advantage lies with the present system. It is not proposed to reopen the question now.

(*c*) The question of the sufficiency of the pay of chaukidars in Bengal on a part time basis was discussed in the report of the Bengal District Administration Committee, where it was shown that the pay in Bengal compared not unfavourably with that in other provinces."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***VI.**

Alleged p annoyanc Babu Bec Lahiri.

(*a*) Is it a fact that during the short absence during the Xmas holidays of Babu Becharam Lahiri, Pleader, Krishnagar, from his Krishnagar house, on his visit to Amritsar to attend the Indian National Congress as a Nadia delegate, both the General and Intelligence Branch Police annoyed his servants and children by repeatedly demanding his whereabouts from them on six different days?

(*b*) Are the Government aware of the fact that his departure from Krishnagar was announced in a Calcutta daily newspaper?

(*c*) Is it also a fact that the said Babu Becharam Lahiri, on his return to Krishnagar, complained to the Superintendent of Police, of Krishnagar about the occurrences referred to in clause (*a*) and that the Superintendent of Police offered a verbal apology to him on behalf of the Nadia Police and censured the officer in question?

(*d*) Will the Government be pleased to state whether the police had any authority to make the inquiries referred to in clause (*a*)?

(*e*) Are the Government considering the desirability of issuing instructions to the Police with a view to prevent the recurrence of such incidents in future?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) It is a fact that the Nadia police made certain inquiries at the house of Babu Becharam Lahiri during his absence. No inquiry was made by the Intelligence Branch.

(*b*) No.

(*c*) The Superintendent of Police immediately took up Babu Becharam Lahiri's complaint and found that unnecessary inquiries had been made in a tactless manner by his subordinates. He at once took disciplinary action and expressed his regret to Babu Becharam Lahiri for the trouble and annoyance caused to him.

(*d*) The police officers concerned exceeded their authority.

(*e*) Disciplinary action has been taken in this case, and Government do not consider it necessary to issue general instructions."

UNSTARRED QUESTIONS.

(*Answers to which were laid on the table.*)

By the Hon'ble Sir Deba Prasad Sarbadhikari:—

1.

Strengthening the cadre of the Provincial Educational Service.

(*a*) Will the Government be pleased to state whether they are considering any proposal to strengthen the cadre of the Provincial Educational Service with a view to promote headmasters of Government high schools to that service?

(*b*) if the answer to (*a*) be in the affirmative, will the Government be pleased to state when effect will be given to that proposal?

(*c*) Will the Government be pleased to state whether they contemplate the inclusion of lecturers in Government Colleges in the Provincial Educational Service?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) Government have sanctioned, with effect from 21st September, 1919, the addition to the Provincial Educational Service cadre of 30 posts to be filled by headmasters of Government high schools.

(*c*) This measure is not at present contemplated by Government. The Hon'ble Member is referred to the explanation given by the Hon'ble Mr Wordsworth on 15th March, 1918, in reply to a resolution on the subject moved by the Hon'ble Babu Kishori Mohan Chaudhuri."

By the Hon'ble Sir Deba Prasad Sarbadhikari:—

2.

Promotions to the Indian Educational Service.

(*a*) Will the Government be pleased to state—

(*i*) whether it is a fact that a graduate of the Calcutta University, who may specially distinguish himself as a member of the Provincial Civil Service, has a fair prospect of promotion to a post in the Indian Civil Service and of rising to a pay of Rs. 1,500 a month;

(*ii*) whether it is a fact that a graduate of the Calcutta University, who may specially distinguish himself as a member of the Provincial Educational Service, has now very poor prospects of promotion to a post in the Indian Educational Service and of rising to a pay of even Rs. 1,000 a month; and

(*iii*) whether it is a fact that none of the eight officers of the Provincial Educational Service recently promoted to the Indian Educational Service will be able, even at the age of 55, to rise to the maximum pay of the incremental scale recently sanctioned for the Indian Educational Service (viz., Rs. 1,250)?

(*b*) Will the Government be pleased to state whether in future (after the Services have been reorganised in accordance with the recent orders of the Secretary of State) a deserving Provincial Educational Service Officer who may be promoted to the Indian Educational Service will be given a suitable increment of pay at the time of his appointment to the Indian Educational Service so as to enable him to reach before retirement the maximum pay of the incremental scale of the Indian Educational Service (Rs. 1,250), and, if possible, to have also an opportunity of rising to a selection grade before superannuation?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) (*i*) An officer of the Provincial Civil Service who specially distinguishes himself has a prospect of promotion to one of the eleven superior posts of Magistrate or Judge which are listed as open to members of that service The maximum pay at present attaching to these posts is Rs 1,600 (executive) and Rs. 2,000 (judicial); the minimum is Rs. 1,000 (executive) and Rs. 1 200 (judicial)

(*ii*) and (*iii*) Until recently, the Indian Educational Service and the Provincial Educational Service were held to be parallel services though on different rates of pay and prospects The former service was manned almost exclusively by Europeans and the latter by Indians While this arrangement lasted a graduate of the Calcutta University had no prospects of promotion to the Indian Educational Service, even though he might specially distinguish himself as a member of the Provincial Educational Service, and his pay could not rise above Rs. 700, which is the maximum pay of the Provincial Educational Service When, a short while ago, the above principle was discarded and a few members of the Provincial Educational Service had to be selected for the Indian Educational Service, the officers selected were naturally senior members of the service many of whom are about to attain the age of superannuation It is therefore probable that none of the officers recently promoted from the Provincial Educational Service to the Indian Educational Service will attain the pay of Rs. 1,250 by the time of their retirement

(*b*) It appears probable from such orders of the Secretary of State as have already been received on the subject that a considerable number of the Provincial Educational Service officers who will hereafter be promoted to the Indian Educational Service will attain the maximum pay of the Indian Educational Service and also have the opportunity of rising to a selection grade before superannuation, but no prediction can be made in a matter of this kind with any degree of certainty, because the age at which the Provincial Educational Service officer concerned is selected for promotion to the Indian Educational Service will be a determining factor"

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

3.

(*a*) Is it a fact that the clerks of the offices of the Heads of Departments attached to the Bengal Secretariat have submitted memorials to His Excellency for the revision of their pay?

Revision the pay of of the of of Heads Departm

(*b*) If so, what steps have been taken by Government on those memorials?

(*c*) Is it a fact that the pay of clerks in the offices of the Accountant-General, Bengal, Controller of India Treasuries, Accountant-General, Posts and Telegraphs, Eastern Bengal Railway, and those employed in other railways and in commercial offices has already been increased?

(*d*) What steps (if any) are the Government of Bengal taking in the matter of increasing the pay of their own clerks?

(*e*) Will the Government be pleased to lay on the table a comparative statement showing the average increase in the cost of living since 1910?

(*f*) Is it a fact that the clerks of the offices of Heads of Departments have received no increase of pay since 1911?

(*g*) Will the Government be pleased to state whether any steps are contemplated to increase their pay?

(*h*) Is it a fact that Government have recently revised the pay of the lower grade clerks of the Bengal Secretariat?

(*i*) If so, is there any special reason for not sanctioning a revised scale of pay to the clerks of the Heads of Departments located in Calcutta?

(*j*) Is it a fact that recruitment in the clerical service in the Bengal Secretariat and attached offices is regulated under Bengal Government Notification No. 13603-Mis., dated the 14th November, 1919?

(*k*) If so, will the Government be pleased to state whether there is any special reason for differentiating between the minimum pay of the clerks of the attached offices and that of the Secretariat clerks?

Answer by the Hon'ble Mr. Marr:—

"(*a*) Yes.

(*b*) The clerks were informed that owing to financial stringency the proposals could not be entertained at present. The question of raising the minimum pay in the offices of Heads of Departments in Calcutta to Rs. 40 is now under the consideration of Government.

(*c*) Yes, in the offices named and in the Eastern Bengal, East Indian and Bengal Nagpur Railways. No information is available in respect of other Railways.

(*d*) The pay of Lower Division clerks has been revised by Government order No 608 T.- F., dated the 25th September, 1919.

(*e*) A statement is laid on the table.

(*f*) No.

(*g*) *Vide* answer to (*b*).

(*h*) Yes.

(*i*) *Vide* answer to (*b*)

(*j*) Yes.

(*k*) As work in the Secretariat is more responsible than and is of superior character to, that in the offices of Heads of Departments, it is considered justifiable to fix a higher rate of pay for the Secretariat clerks than is given to outside offices."

ARTICLES.	Rate per	1910 Price	1910 Index number.	1911 Price	1911 Index number	1912 Price	1912 Index number	1913. Price	1913. Index number	1914. Price.	1914. Index number.	1915 Price.	1915 Index number	1916 Price	1916 Index number.	1917. Price	1917. Index number.	1918. Price.	1918. Index number.	1919. Price	1919. Index number.
		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.	
Rice Ballam*	maund	4 0 3	100	4 4 6	107	4 9 9	114	5 8 0	137	6 1 6	152	6 5 0	157	5 14 0	146	5 10 6	141	4 8 0	112	7 3 6	180
,, Nagra*	,,	3 15 0	100	3 15 0	100	4 9 0	116	5 2 6	131	5 2 0	133	5 5 0	136	5 6 6	137	5 0 0	127	4 11 0	119	6 15 0	176
,, Common	,,	4 13 1	100	4 7 4	93	5 5 9	111	5 13 11	122	6 6 11	134	6 5 5	132	6 10 8	138	5 13 11	122	4 12 5	99	7 3 0	149
Average (Rice)	...	...	100	.	100		114		130	.	139	..	141	...	140	.	130	.	110	..	168
Wheat Flour	maund	7 5 6	100	7 3 0	98	7 13 0	106	7 8 0	102	7 13 0	106	9 1 0	123	7 15 6	109	8 12 0	119	9 1 0	123	11 10 0	158
Sujee	,,	8 7 0	100	8 7 0	100	7 13 0	94	7 8 0	89	7 13 0	93	9 1 0	107	8 2 0	96	9 1 0	107	9 11 0	115	14 1 0	167
Arhar Dal	,,	4 0 0	100	3 5 9	84	3 15 9	100	4 5 5	108	5 5 5	133	6 5 5	158	6 5 7	159	5 5 4	133	5 7 8	137	9 11 5	243
Kalai Dal	,,	6 4 0	100	6 4 0	100	4 8 0	70	6 4 0	100	5 15 0	95	5 15 0	95	5 15 0	95	5 11 9	92	6 1 6	97	11 4 0	180
Mug Sona*	,,	9 2 0	100	8 12 0	96	8 7 0	92	9 10 0	105	9 8 0	104	12 8 0	137	13 12 0	151	13 4 0	146	16 10 0	182	16 0 0	175
Average (Dal)	...	..	100	..	93	..	87	..	104	.	111	.	136	.	135	.	123		139	...	199
Sugar 16—18 D. S.*	maund	7 6 3	100	6 4 11	85	8 2 6	110	6 11 2	91	5 14 5	80	10 11 0	146	11 14 3	161	12 10 0	171	8 13 6	120	15 12 6	214
,, raw (gur)*	,,	5 12 0	100	4 15 0	86	5 2 0	99	5 2 0	89	5 4 0	91	6 1 0	105	6 8 0	113	7 4 0	126	7 8 0	131	6 10 0	115
Tea (average)*	lb	0 6 10	100	0 7 6	110	0 7 5	109	0 6 11	101	0 7 5	109	0 9 7	140	0 8 6	124	0 7 7	111	0 7 0½	103	0 6 8½	98
Salt	maund	2 0 0	100	2 . 1	103	2 3 7	111	2 1 10	105	2 0 0	100	2 7 5	123	3 10 2	181	3 13 3	191	4 1 11	206	4 0 0	200
Chillies*	,,	13 4 0	100	9 10 0	73	9 12 0	74	8 8 0	64	11 0 0	83	13 0 0	98	13 8 0	102	12 0 0	91	12 0 0	91	33 0 0	249
Fish—Rohi	seer	0 8 0	100	0 8 0	100	0 9 6	94	0 9 0	112	0 10 6	131	0 11 6	144	0 10 0	125	0 9 9	122	0 11 0	137	0 11 0	137
,, —Bhetki	,,	1 8 0	100	1 6 6	94	1 6 6	94	1 7 0	71	1 1 0	71	1 2 0	75	1 4 0	82	1 6 0	92	1 3 0	79	1 5 0	87
Milk	maund	10 0 0	100	10 0 0	100	10 0 0	100	10 0 0	100	10 0 0	100	11 4 0	112	11 4 0	112	11 4 0	112	11 4 0	112	12 8 0	125
Ghee*	,,	46 0 0	100	44 0 0	96	49 8 0	108	57 0 0	124	54 0 0	117	52 0 0	113	54 8 0	118	60 8 0	132	77 8 0	169	85 0 0	185
Potatoes	,,	8 9 0	100	6 9 0	100	7 5 6	112	5 0 0	76	5 12 6	88	5 12 6	88	7 10 6	117	5 2 6	79	10 5 0	157	7 10 8	117
Mustard Oil*	,,	13 0 0	100	14 10 0	112	17 8 0	135	22 0 0	169	22 8 0	173	19 0 0	146	15 0 0	115	15 0 0	115	18 12 0	144	34 8 0	265
Kerosene Oil* (Elephant brand)	2 tins	3 9 6	100	3 5 3	93	3 14 3	108	4 3 0	117	4 5 0	120	4 5 0	120	4 14 0	136	5 15 0	165	6 13 0	190	8 0 0	223
Coal*	Ton into wagon	2 12 0	100	2 9 0	93	4 6 0	159	5 0 0	182	4 10 0	168	3 14 0	141	3 2 0	114	5 8 0	200	5 14 0	214	5 8 6	201
Piece-goods*—																					
Grey Cotton Mull 44" × 10	Piece	1 11 3	100	1 13 3	107	1 11 6	101	1 15 7½	116	1 12 7½	105	1 9 0	92	1 13 10½	113	3 0 9	179	4 14 3	287	4 15 9	292
,, Shirtings 34 - 37½" 28 yds.	,,	5 11 6	100	6 4 0	109	6 0 6	105	5 15 6	104	6 2 0	107	5 8 0	96	6 5 6	111	7 8 0	131	12 6 0	216	14 14 0	260
Bleached Nainsooks 42" × 20'	,,	3 9 0	100	4 0 6	113	3 3 0	89	3 8 0	95	3 5 6	94	2 15 6	83	3 12 9	107	5 14 6	166	8 11 0	244	9 8 6	268
Average (Piece-goods)	...	.	100		110		98		106		102	...	90	...	109	..	159	...	249	..	276
General average (unweighted)	...	.	100	..	96	.	104	.	109	.	112	.	119	...	123	..	132	...	149	...	186

NOTE.—The figures represent the average of the retail prices ruling in January and July of each year.
* Relate to wholesale prices as retail prices are not readily available

By the Hon'ble Maulvi Abul Kasem:—

4.

Alleged incident in the Court of the Additional Sessions Judge, Barisal.

(*a*) Is it a fact that on the 5th February, 1920, Mr. Fraser, I.C.S., Additional Sessions Judge, Barisal, ordered a Muhammadan gentleman sitting in his Court to stand up with his hands uplifted and face turned towards the wall and nose actually touching it?

(*b*) If so, will the Government be pleased to state what steps they are taking in the matter?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) Government have inquired into the matter, and the facts are as follows:—

A witness for the Crown, who had been declared hostile, was seen to look at one Hamez Khan, who was sitting in the Court, before answering the questions put to him. The prosecution pleader drew the Court's attention to this and stated that Hamez had nodded his head to the witness. Mr. Fraser ordered the man to stand up and asked him in Bengali to explain his conduct. Mr. Fraser pointed out that he was liable to prosecution for his conduct, but, instead of instituting proceedings, he ordered a chaprassi to put Hamez in a corner of the room with his face to the wall and his hands above his head, and directed that he should remain in that position for half an hour. Hamez Khan actually remained in that position for twenty minutes, and was then released. Hamez Khan is a villager who was looking after the case for the accused.

(*b*) Mr. Fraser has been informed that his conduct in this matter was undignified and unwarrantable and that it is viewed by Government with grave displeasure."

By the Hon'ble Mr. Arun Chandra Singha:—

5.

Erosion of the town of Noakhali.

(*a*) Is it a fact that the Montear Ghona or Noakhali Khal, which runs along the east of the town of Noakhali, has washed away a large tract of land, including many houses and a road of the District Board leading to the railway station, rendering many residents in the neighbourhood homeless?

(*b*) Is it also a fact that it is now threatening the new road to the station constructed by the District Board, the new Zilla School site, the Jail compound, and other public and private properties in the north of the town?

(*c*) Is there any proposal before the Government for straightening the bend of the khal at a place called Bariaghona, which is expected to stop further erosion of the town?

(*d*) If so, will the Government be pleased to say when the work is to be carried out?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) Yes.

(*b*) Yes.

(*c*) In November, 1916, and again in 1919, certain inhabitants of the town and adjoining villages submitted a petition to the Commissioner of the Division praying for the diversion of the khal at Baraiyaghona. It was then

l by the local Engineering and Civil officers that any short-circuiting khal at or near the town would, apart from any question of cost, e the velocity of the stream in a shorter channel, and almost certainly still more dangerous erosion either above or below the present erosion. ıtter was accordingly dropped.

) The question does not arise."

Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

Outbreak of beri-beri in Howrah.

Are the Government aware that there is at present an epidemic out- f beri-beri in the town of Howrah?

) If so, have any steps been taken by Government to check the spread isease?

) Have the Government made any inquiry as to the cause of the epi- ınd as to whether it is due to the use of mustard oil adulterated with · oil extracted from *pakra* seeds, which contains the deadly poison as "Hydrocyanic Acid"?

· by the Hon'ble Mr. O'Malley:—

(*a*) There is no outbreak of beri-beri at present in the town of Howrah, re is an outbreak of epidemic dropsy to which the Hon'ble Member y refers.

) The exact cause of epidemic dropsy is not understood and the Sani ommissioner with the Government of India has been asked to move the Research Fund Association to depute a skilled bacteriologist for work ıection with the outbreak. A Deputy Sanitary Commissioner is at work in Howrah; the Municipal Health Officer is exercising the supervision over foodstuffs; and four extra medical officers have also ppointed for the detection and treatment of the disease

Inquiries are being made as to the cause of the epidemic, but opinions ›resent divided as to whether it is due to the use of impure mustard ot A copy of circular No 74, dated 27th August, 1919, issued by itary Commissioner on the subject of mustard oil adulterated with oil ed from *pakra* seeds is laid on the table"

r referred to in the answer to question No. 6 (unstarred) of the meeting of 5th March, 1920.

CIRCULAR NO 74.

DR. C. A BENTLEY, M.B., D.P.H., D.T.M. & H.,

Sanitary Commissioner for Bengal.

THE CHAIRMEN OF ALL MUNICIPALITIES IN BENGAL

Dated Calcutta, the 27th August 1919.

ıs,

The Calcutta Municipal Corporation has notified that it has ought to the notice of its Health Department that mustard oil

adulterated with oil expressed from paka (otherwise known as *pakra, kusum* or *bera*) seeds is being sold as mixed mustard oil. This mixed oil is unwholesome and unfit for human consumption, being injurious to health. Vomiting and other disagreeable toxic symptoms supervene on its use. The local public have been warned against the use of such a mixture and measures initiated for dealing with traders selling it. As the distribution of the adulterated oil may probably spread beyond Calcutta, I have the honour to suggest that you will be so good as to take steps to caution the people of your town, by beat of drum and issue of notices, against the use of the mixed oil. Subject to the payment of a small fee to be prescribed by the local Government under the Bengal Food Adulteration Act, 1919, any sample may be sent to my laboratory at No. 2, Convent Lane, Intally, Calcutta, and the result of the analysis will be reported for such further action as may be considered necessary. Intimation of the despatch of samples to the laboratory should be simultaneously made separately to me.

I have the honour to be,

SIRS,

Your most obedient servant,

CHAS. A. BENTLEY, M.B., D.P.H., D.T. M., & H.,

Sanitary Commissioner for Bengal.

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

7.

Inconvenience to passengers at Garifa station, East Indian Railway.

(*a*) Are the Government aware of the serious inconvenience suffered by the travelling public on the East Indian Railway, Naihati Branch, at Garifa station, arising mainly from the following circumstances:—

(*i*) there are no waiting-rooms for the several classes of passengers, and

(*ii*) there are no platforms?

(*b*) Are the Government considering the desirability of suggesting to the railway authorities that action be taken for the removal of these grievances?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) No.

(*b*) The attention of the East Indian Railway authorities will be drawn to the alleged inconvenience."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

8.

Non-issue of ordinary return tickets by the East Indian Railway.

(*a*) Are the Government aware that ordinary return tickets are issued by the Eastern Bengal Railway?

(*b*) Are the Government considering the feasibility of suggesting to the East Indian Railway authorities the desirability of introducing the issue of ordinary return tickets and week-end return tickets on that railway?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) The attention of the East Indian Railway authorities will be drawn to the desire which has been expressed in the question that the concessions of ordinary return and week-end return tickets should be reintroduced."

e Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

r) Will the Government be pleased to state what are the educational cations of the present officiating Director of Agriculture? The post of Director of Agriculture

) Is it a fact that the Public Services Commission has recommended ıe post of Director of Agriculture should be held by an expert?

) Have the Government accepted this recommendation?

l) If so, what interpretation do they attach to the word expert?

r by the Hon'ble Mr. Marr:—

(*a*) Bachelor of Science. He took two courses, one in Agriculture e other in Science.

) The Public Services Commission recommended that officers of the Civil Service should cease to be appointed Directors of Agriculture ıat rural commissionerships to control the work of the agricultural ril veterinary departments, the co-operative credit movement, and the 'es taken for the improvement of arts and crafts should be appointed ıe Indian Civil Service in provinces where effective control is not already ıot otherwise be provided.

The matter is understood to be under the consideration of the Govern f India and the Secretary of State. Since, however, the year 1916 the Director of Agriculture in this Province has been held successively ssrs. Milligan and Finlow, both of whom are expert officers of the ltural Department and neither of whom is a member of the Indian ervice. Mr. Finlow is now acting for Mr Milligan, the permanent ent.

) The question does not arise."

Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

e the Government taking any steps for the establishment of City Courts utta, pursuant to the resolution passed at a meeting of the Bengal tive Council held on the 7th April, 1915? Establishment of City Courts in Calcutta

by the Hon'ble Mr. Roy:—

In view of the opinions received from the High Court and the major- public bodies consulted the matter was dropped in 1917."

Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

) Are the Government aware of the gradual artificial accretions to ınks of the river Hooghly caused by the building up of walls by mill ? Artificial accretions to the Hooghly.

What steps (if any) are the Government taking to prevent the build- of these walls?

) Are the Government taking steps to assess revenue upon the lands encroached upon? If not, why not?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) Within the limits of the Port of Calcutta the Port Commissioners take the necessary steps to prevent such erections without the specific approval of Government. Outside the limits of the Port the Commissioners of the Presidency and Burdwan Divisions are under Government Order responsible for the conservation of the river. The question of the issue of a Notification under section 4 (*1*) (*a*) of the Indian Ports Act (XV of 1908), conferring on the Port Commissioners the power of Conservators of navigable river channels of the Hooghly leading to the Port of Calcutta, north of the northern limits of the Port, is under the consideration of Government.

(*c*) Revenue on encroachments will be generally assessed during regular diara surveys under Act IX of 1847. Above Naihati such surveys are being undertaken in accordance with Notification No. 785 L.R., dated the 21st January, 1918, published in the *Calcutta Gazette* of the 23rd January, 1918, along with the survey and settlement proceedings now in progress in the district of Nadia. Below Naihati such surveys will be undertaken along with the survey and settlement operations in the districts of Hooghly, Howrah and the 24-Parganas. According to the present programme settlement operations in the Howrah and Hooghly districts are expected to commence in the year 1922, and those in the 24-Parganas are expected to commence in 1923. Government, however, reserve the right to charge rent for encroachments on the foreshore at any time."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

12.

Accidents on Messrs. Martin & Co.'s line in Howrah.

(*a*) Will the Government be pleased to state how many accidents have been caused on the line of Messrs. Martin & Co., in the town of Howrah, during the last five years?

(*b*) What precautions have been adopted to prevent such accidents happening?

(*c*) Are the Government considering the desirability of ascertaining whether these precautions are adequate and are strictly followed?

(*d*) Have the Government considered the advisability of removing the line to a safer place, such as the East Indian Railway yard at Howrah?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The total number of accidents of all kinds during the past five years was 59. Of these, 33 were of a technical nature, *e.g.*, derailments, etc., not involving injuries to persons. The remaining 26 were accidents resulting in injuries which in six cases proved fatal, viz:—

To passengers	5
To railway servants	3
To public wayfarers and trespassers	15
To animals	3

The six cases in which accidents proved fatal consist of—

Railway servants	2
Cartman	1
Male trespasser	1
Female trespasser	2

(*b*) The working of the railway is governed by certain sections of the Railway Act which provide such precautions as are considered necessary.

(*c*) The necessity for an inquiry of the nature suggested has not arisen.

(*d*) No."

By the Hon'ble Babu Akhil Chandra Datta:—

13.

(*a*) Will the Government be pleased to state whether it is a fact that the residents of Noakhali submitted several petitions for straightening the bend of the Montear Ghona Khal, at the place known as Bariaghona, as a measure for protecting the northern portion of Taltah Ward of the town of Noakhali from erosion? Erosion of town of Noakhali

(*b*) Have the Government considered the advisability of the course suggested?

(*c*) What steps are the Government taking to stop the erosion of Noakhali town from three sides, namely, from the south by the river, and from the east and north by the khal?

(*d*) Will the Government be pleased to state what decision, if any, has been arrived at as to the course to be adopted about the town of Noakhali?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The Hon'ble Member is referred to the answer given to question No. 5 (*c*) asked by the Hon'ble Mr. Arun Chandra Singha.

(*b*) The suggestion did not come up before Government.

(*c*) No measures are being taken with a view to arrest erosion. In this connection the Hon'ble Member is referred to the answer given to question No. XLII at a meeting of the Council on 20th November, 1917.

(*d*) No final decision has yet been made as the necessity for abandoning the present town has not yet arisen. In this connection the Hon'ble Member is referred to the answer given to question No. LIV at a meeting of the Council on the 19th February, 1918. Since then temporary buildings have been constructed on the acquired land at Sonapur to provide for the accommodation of those officers whose residences at Noakhali are likely to be affected in the near future by the erosion of the coast which is still in progress."

By the Hon'ble Babu Akhil Chandra Datta:—

14.

(*a*) Will the Government be pleased to state the following particulars about the lascars of Bengal:— The lascars of Bengal.

(*i*) the number of lascars which Bengal contributed during the great war to the ports of (*a*) Calcutta, (*b*) Chittagong, (*c*) Rangoon, (*d*) Bombay, and (*e*) Colombo;

(*ii*) the number of lascars which Bengal sent to Egypt, Natal, Great Britain, Cape Colony and Mesopotamia, during the last war;

(*iii*) the number of Bengal lascars who lost their lives through the inclemency of the climate during the last war, together with the names of places where they died;

(*iv*) the number of Bengal lascars who lost their lives during the last war through enemy action, together with the names of places where they died; and

(*v*) the total number of Bengal lascars who gave their lives for the Empire during the great war?

(*b*) Is it a fact that the Port Officer of Calcutta has recorded that during the last war no Bengal lascars refused to go to sea from fear of enemy action even after previous experience on a torpedoed ship?

(*c*) Are the Government aware of the opinion that has been expressed that the Bengal lascar was the mainstay of the ocean-going steamers during the great war?

(*d*) Will the Government be pleased to lay on the table a comparative statement showing the pay received by the lascar of different nationalities in the vessels in which the abovementioned Bengal lascars served?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) (*i*)—

(*a*) Calcutta	106,627
(*b*) Chittagong	1,765
(*c*) Rangoon	5,947
(*d*) Bombay	16,242
(*e*) Colombo	7,428

(*a*) (*ii*)—

Egypt	234	
Natal	131	
Great Britain	2,541	
Cape Colony	1,795	
Mesopotamia	541	In addition to these a large number was sent through the Inland Water Transport and Military Recruiting Officers.
Other Ports	7,417	

(*a*) (*iii*) Sixteen lascars died on voyage from London to Murmansk and seventeen died at Archangel.

(*a*) (*iv*) Eight hundred and four; the names of places where the lascars died are not known to Government.

(*a*) (*v*) Eight hundred and ninety-six, including twelve injured seamen.

(*b*) Yes.

(*c*) Yes.

(*d*)—

	Sailors Per mensem.	Firemen Per mensem.	Stewards Per mensem.
Indian	Rs. 18 to Rs. 25	Rs. 23	Rs. 33
British	£ 11-10-0	£ 12	£ 10
West Indians, Arabs, Somalis ...	£ 11-10-0	£ 12	.....
Chinese	£ 7	£ 7	.....
Goanese	.....	.....	Rs. 35

(West Indians, Arabs and Somalis sign on British Articles of Agreement.)

By the Hon'ble Babu Akhil Chandra Datta:—

15.

Treatment of political convicts in the Rajshahi Central Jail.

Will the Government be pleased to state whether there is any truth in the allegation that the political convicts in the Rajshahi Central Jail are treated with great severity and that they have gone on hunger strike since the 26th January, 1920, as a protest against the maltreatment to which they are subjected?

Answer by the Hon'ble Mr. Stephenson:—

" There is no truth in the allegation that political convicts in the Rajshahi Central Jail are treated with great severity. On the 26th January last the Superintendent of the Rajshahi Central Jail had occasion to take disciplinary action against Lalit Mohan Ghosh, a convict who is serving a sentence of 7 years' imprisonment for dacoity. By some means or other the

State prisoners who are confined in Rajshahi Jail under Bengal Regulation III of 1818 came to hear of this incident and went on hunger strike as a protest. The hunger strike lasted only 24 hours."

By the Hon'ble Babu Akhil Chandra Datta:—

16.

Will the Government be pleased to state the following particulars about Mr. D. B. Meek, of the Indian Educational Service, viz:—

(*i*) what are the different appointments which he has held under the Government;

(*ii*) the date of commencement and of termination of each such appointment;

(*iii*) the pay he received in each appointment; and

(*iv*) what especial qualifications or experience entitled him to the post of Director of Industries?

Certain statistics Mr. D. B. of the In Education Service

Answer by the Hon'ble Mr. Marr:—

"(*i*), (*ii*) and (*iii*) A statement giving the information required is laid on the table.

(*iv*) As Assistant Controller of Munitions and Controller of Munitions, between which posts and that of Director of Industries there was a very close connection during the war, he had acquired a special knowledge of the industrial needs and possibilities of the province."

Statement referred to in the answer to question No. 16 (i), (ii) and (iii), unstarred, showing the appointments held by MR D. B. MEEK *of the Indian Educational Service with dates and pay.*

APPOINTMENTS HELD	DATES OF COMMENCEMENT AND TERMINATION		PAY. Rs.
	From	To	
1	2	3	4
Professorship of Physics, Dacca College	12-2-1911	30-6-1916	Time scale pay of Rs. 500—50—1,000 of the Indian Educational Service
Special duty in the Meteorological office, Simla, under the Government of India, Revenue and Agriculture Department.	1-7-1916	9-11-1916	Time scale pay of Rs. 500—50—1,000 of the Indian Educational Service *plus* deputation allowance of Rs. 150 per mensem.
Professorship of Physics, Dacca College	10-11-1916	9-5-1917	Time scale pay of Rs. 500—50—1,000 of the Indian Educational Service
Professorship of Physics, Presidency College. Post of Meteorologist, Calcutta (in addition).	10-5-1917	2-10-1918	Time scale pay of Rs. 500—50—1,000 of the Indian Educational Service *plus* Rs. 350—30—500
Post of Assistant Controller of Munitions under the Government of India. Post of Meteorologist, Calcutta (in addition).	3-10-1918	19-4-1919	Time scale pay of Rs. 500—50—1,000 of the Indian Educational Service *plus* Rs. 350—30—500 *plus* a conveyance allowance of Rs 100 a month.
Post of Officiating Director of Industries, Bengal, and Controller of Munitions and Meteorologist, Calcutta.	20-4-1919	31-12-1919	Pay of Rs. 900 as Assistant Controller of Munitions *plus* acting allowance of Rs. 1,066-10-8 as Officiating Director of Industries *plus* pay of Rs. 350—30—500 as Meteorologist, Calcutta.
Post of Director of Industries	1-1-1920	.....	Pay of Rs. 2,000—50—2,250.

By the Hon'ble Babu Akhil Chandra Datta:—

17.

Certain statistics about Mr. J. C. K. Peterson, late of the Indian Civil Service.

Will the Government be pleased to state the following particulars regarding Mr. J. C. K. Peterson, late of the Indian Civil Service, viz.:—

(*i*) the date of his appointment as Director of Industries;

(*ii*) the date up to which he held the post;

(*iii*) what was his pay before and after his appointment as Director of Industries;

(*iv*) what special qualifications entitled him to this post?

Answer by the Hon'ble Mr. Marr:—

" (*i*) The 10th October 1917.

(*ii*) The 19th April 1919.

(*iii*) Rs. 2,500 per mensem with a daily allowance of Rs. 10 and a conveyance allowance of Rs. 150 per mensem. He drew the same pay before and after his appointment as Director of Industries.

(*iv*) As Controller of Munitions (between which post and that of Director, there was a very close connection during the war) he had acquired a special knowledge of the industrial needs and possibilities of the province."

By the Hon'ble Babu Akhil Chandra Datta:—

18.

Proposals of the Director of Industries on the recommendations of the Indian Industrial Commission.

(*a*) Will the Government be pleased to lay on the table the proposals submitted by the Director of Industries to give effect to the recommendations of the Indian Industrial Commission?

(*b*) Are the Government considering the desirability of inviting public opinion thereon?

Answer by the Hon'ble Mr. Marr:—

" (*a*) The Hon'ble Member is referred to the answer given to unstarred question No. 25 asked by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri on the 3rd February 1920.

(*b*) It is difficult to give a general answer. Should a case arise in which public opinion can advantageously be consulted, this will be done."

By the Hon'ble Babu Akhil Chandra Datta:—

19.

Alleged disabilities attached to persons not wearing European dress.

(*a*) Is there any foundation for the complaint that in Calcutta only Europeans and gentlemen wearing European dress are allowed to go near aeroplanes and that all others are forced by the police to stand at some distance?

(*b*) Is there any truth in the allegation that no Indian with a *dhoti* on is allowed in the Grand Stand at the Calcutta races?

(*c*) If the answers to clauses (*a*) and (*b*) be in the affirmative, will the Government be pleased to say whether they are considering the desirability of passing such orders as may be considered necessary for the removal of this racial distinction in the aforementioned cases and in the case of other similar places and occasions?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) So far as Government are aware there is no foundation for the complaint, but the aeroplanes on the Ellenborough Course are guarded by the Company's own servants and the police have nothing to do with them.

(*b*) It has been ascertained that there are no written rules on the subject, but instructions are given that persons seeking admission to the Grand Stand must be properly dressed. The interpretation given to this is the same as in the case of other important social functions in Calcutta at which ladies are present.

(*c*) Government do not consider any orders necessary."

By the Hon'ble Babu Akhil Chandra Datta:—

20.

Will the Government be pleased to state the following particulars with respect to the Department of Industries, viz:— The Depa of Indus

(*i*) when was the department brought into existence;
(*ii*) what was the object with which it was established;
(*iii*) what tangible result has been achieved up to now;
(*iv*) what amount has been spent up to December, 1919—
(*a*) for the pay of the Director of Industries;
(*b*) for the establishment of the Director of Industries; and
(*v*) what amount has been spent on the department for other purposes, indicating how much has been spent for each of such purposes?

Answer by the Hon'ble Mr. Marr:—

" (*i*) On the 10th October, 1917, the date of appointment of the first Director of Industries.

(*ii*) (*a*) to inquire into the industrial problems of the province.

(*b*) To encourage and help new and existing local industries by offering technical advice and giving any other form of suitable assistance.

(*c*) To deal with industrial inquiries received from the public and the collection of industrial information.

(*d*) To supervise any form of industrial activity which the local Government may themselves initiate, *e.g.*, the research tannery.

(*iii*) The Hon'ble Member is referred to the administration report of the Department of Industries, Bengal, for the period between October, 1917, and December, 1919, which was laid on the table in reply to unstarred question No. 23 by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri on the 3rd February, 1920.

(*iv*) (*a*) Rupees 52,860-9-1, but the Director of Industries was also Controller of Munitions, and the pay was never apportioned between the two posts.

(*b*) Rupees 27,568-7-11.

(*v*) Rupees 1,89,480-1-4 as detailed below:—

	Rs.	A.	P.
Contingencies, etc.	13,352	2	3
Research Tannery, Calcutta	1,51,143	0	0
Deputation of Special officers, Messrs. Hoogewerf, Gibson and Pilgrim	24,775	15	1
Development of hand-loom weaving	209	0	0
Total ...	1,89,480	1	4"

By the Hon'ble Babu Siv Narayan Mukharji:—

21.

Reorganization of the Lower Subordinate Educational Service.

In reference to the answer given to unstarred question No. 4 at the Council meeting of the 3rd September last, will the Government be pleased to state whether the general principles on which reorganization of the Lower Subordinate Educational Service should proceed have been formulated, and whether there is any chance of provision being made in the forthcoming budget for such additional expenditure as may be necessary in regard to the improvement of the pay and prospects of the members of that service?

Answer by the Hon'ble Mr. O'Malley:—

"The answer is in the negative."

By the Hon'ble Babu Siv Narayan Mukharji:—

22.

Education of the masses in the matter of electors to the reformed Councils.

Will the Government be pleased to state—

(*i*) whether it is in their contemplation to take early steps for instilling into the masses, especially in rural areas, a sense of their duties and responsibilities in the matter of the exercise of their functions as electors during the forthcoming elections of the reformed Council in November next; and

(*ii*) whether they have considered the desirability of sowing broadcast the principles of representative Government by the free distribution of a short résumé of the main features of the new Government of India Act and vernacular renderings of the election rules to be framed thereunder?

Answer by the Hon'ble Mr. Stephenson:—

"(*i*) The question apparently contemplates formal official action in connection with the elections under the Reforms Scheme. This is only liable to be misunderstood, and it is not proposed to initiate it. Moreover here, as in other countries in which systems of representative Government are in force, the task of bringing home to the people their duties and responsibilities as electors must rest primarily with those who seek their suffrages.

(*ii*) It may prove expedient to give wide publicity to the rules, etc., governing the new elections. The desirability of so doing will be further considered when the rules, etc., have been framed."

By the Hon'ble Babu Siv Narayan Mukharji:—

23.

Floods in the Damodar.

Will the Government be pleased to state whether any steps have been taken to ascertain whether the palliative measure already undertaken to reduce the intensity of the floods in the Damodar have had the desired effect?

Answer by the Hon'ble Mr. Cowley:—

"The palliative measures already undertaken are the improvements of four outlets for the flood water of the Damodar river and the investigation into sites suitable for reservoirs in the catchment area in the upper reaches of the river. These improvements have not yet been completed, and cannot

be entirely completed for some time to come; moreover, since they were commenced, there has been no high flood to test them. It is therefore impossible to dogmatize at present as to whether the measures which are in hand have had the desired effect. It may be said, however, that the measures as designed are likely to have a marked beneficial effect on a reduction of the time during which any future floods of the Damodar river will remain on the land."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

24.

(*a*) In regard to the promotions given from Class VIII to Class VII of the Subordinate Educational Service as announced in the *Calcutta Gazette*, dated the 14th January, 1920, will the Government be pleased to lay on the table a statement giving the following information.

Promotions in the Subordinate Educational Service.

(*i*) names of the officers promoted;

(*ii*) their academical qualifications;

(*iii*) their positions in the graded list;

(*iv*) their designations;

(*v*) the dates of first appointment;

(*vi*) the date of appointment in Class VIII, Subordinate Educational Service; and

(*vii*) the date of promotion to Class VII, Subordinate Educational Service?

(*b*) Will the Government be pleased to state whether it is a fact that a very large number of officers, viz., Nos. 31 to 63, 67 to 77, 79 to 82, 84 to 86, 103 to 110, 113 to 117, 123 to 137, and a few others of Class VIII of the graded list of officers in the Subordinate Educational Service corrected up to 1st April, 1919, have been superseded in making selections for promotions?

(*c*) If so, what are the special reasons in each case of supersession?

(*d*) Are the Government aware of a feeling that exists that in the list of promotions referred to above most of the officers promoted have inferior academical qualifications and lower positions in the list than many others who have been superseded?

(*e*) Is it a fact that the 2nd clerk of the office of the Inspector of Schools, Chittagong Division, who has been promoted, has superseded 8 teachers, 1 Laboratory Assistant, 4 Sub-Inspectors of Schools, of whom 4 are B.A.'s, 1 is an M.A., 1 is an M.Sc., 1 is an M.A., B.T., 1 is a B.A., B.T., and 1 is an L.T.?

(*f*) Is it a fact that among the officers promoted eight are clerks who are employed in less responsible offices than the Head Clerk of a first grade college who has been superseded?

(*g*) Are the Government aware that such cases of supersession have produced a widespread feeling of discontent amongst the officers concerned?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) A statement is laid on the table. It does not include the name of Babu Sukha Ranjan Bose (No. 1) who had been promoted under a previous notification. In the notification in question his promotion was only given effect to from an earlier date.

(*b*) Yes.

(*c*) It will appear from column 9 of the statement, laid on the table, that the officers who superseded those mentioned in the question were drawing Rs. 50 per mensem for a longer term than those superseded. The order in which officers are considered for promotion is determined by the dates from which they have been drawing their present rate of pay whether inside or outside the grades. The principle involved in the procedure was explained in the answers of Government to clauses (*f*) and (*g*) of unstarred question No. 29 asked by the Hon'ble Maulvi A. K. Fazlul Haq at the Council meeting of 19th November, 1919.

(*d*) Promotions are not determined by academical qualifications alone. Length of service and meritorious work have to receive full consideration.

(*e*) Yes. But the clerk had been drawing Rs. 50 per month for a longer period than those whom he superseded.

(*f*) There are 8 clerks among the officers promoted but all of them had been drawing Rs. 50 per month for longer terms than those whom they superseded.

(*g*) No."

Statement of officers promoted from class VIII to class VII of the Subordinate Educational Service as announced in the *Calcutta Gazette* of 14th January, 1920 (*vide* Council Question No. 48 by the Hon'ble Babu Kishori Mohan Chaudhuri).

Serial No.	Name of officer promoted and	Academical qualifications and.	Position in the graded list (in class VIII and)	Designation and	Date of first appointment and	Date of appointment in class VIII and	Date of promotion to class VII and	Remarks.
1	2	3	4	5	6	7	8	9
1	Babu Girindra Nath Mukherji	B. A ...	50	Assistant Master, Armanitola Government High School, Dacca.	29th April, 1909	14th February, 1915	16th January, 1919.	Was on Rs. 50 outside the graded service from 29th April, 1909.
2	Maulvi Abdul Karim ...	Read up to F. A	78	Clerk, office of the Inspector of Schools, Chittagong Division	1st May, 1906 ...	19th September, 1916	Ditto ...	Was on Rs 50 outside the graded service from 1st July, 1909
3	Babu Rajendra Kumar Chakravarty, II.	Plucked B. A. ...	87	Clerk, office of the 2nd Inspector of Schools, Dacca Division	29th January, 1908.	16th January, 1917.	Ditto ..	Was on Rs. 50 outside the graded service from 21st March, 1910.
4	,, Jatindra Mohan Basu ...	Entrance ...	118	Clerk and Librarian, Hare School	3rd September, 1905	28th September, 1917	Ditto ...	Was on Rs. 50 outside the graded service from 18th April, 1910
5	,, Jatindra Nath Talukdar..	Matriculate ...	90	Special teacher, training classes, Pangamati High School	5th June, 1908 ..	16th January, 1917	19th January, 1919.	Was on Rs 50 outside the graded service from 4th November, 1910.
6	,, Hem Chandra Sen ...	F. A. ...	122	Clerk, Civil Engineering College, Sibpur.	1st November 1905.	13th October, 1917.	16th March, 1919	Was on Rs 50 outside the graded service from 2nd July, 1911.
7	,, Rama Prasad Basak ...	Read up to Entrance.	*	Clerk, office of the 2nd Inspector of Schools Dacca Division.	2nd June, 1886...	5th December, 1917.	1st April, 1919...	Was on Rs 50 outside the graded service from 21st August, 1911.
8	,, Lalit Mohan Das ...	Entrance ...	101	Clerk to an additional Inspector of Schools, Presidency Division	23rd January, 1895	1st July, 1917 ...	Ditto ...	Was on Rs. 50 outside the graded service from 9th October, 1911.
9	,, Jatindra Nath Mukherji, II.	B. A., B. L. ...	83	Assistant Master, Hindu School	7th September 1909	7th December, 1916	Ditto ...	Was on Rs 50 outside the graded service from 1st April, 1912.
10	,, Bakkeswar Mitra ...	Read up to Entrance.	102	Clerk, office of the Inspector of European Schools, Bengal	1896 ...	1st July, 1917 ...	Ditto ...	Was on Rs. 50 outside the graded service from 9th April, 1912.
11	Maulvi Muhammad Rashid ...	Read up to B. A.	3	Sub-Inspector of Schools, Jangipur, Murshidabad.	19th April, 1912	19th April, 1912	Ditto.	
12	Babu Nishapati Chatterji ...	Ditto ..	4	Sub-Inspector of Schools, North Arambagh, Hooghly.	1st April, 1900...	19th May, 1912	Ditto	

* Was appointed to the Subordinate Educational Service with effect from a retrospective date after the list had been published.

Serial No.	NAME OF OFFICER PROMOTED (a).	Academic Qualifications (b).	Position in the gradation list of class VIII (c).	Designation (d).	Date of first appointment (e).	Date of appointment in class VIII (f).	Date of promotion to class VIII (g).	REMARKS.
1	2	3	4	5	6	7	8	9
13	Babu Ram Ranjan Majumdar ...	Matriculate ...	111	Record-keeper, Presidency College	8th November, 1909.	16th August, 1917	1st April, 1919...	Was on Rs. 50 outside the graded service from 5th July, 1912
14	,, Narendra Nath Mukherji	Read up to B. A.	112	Head Clerk, Bethune College ...	30th October, 1905	Ditto ...	2nd May, 1919...	Was on Rs. 50 outside the graded service from 28th October, 1912.
15	,, Bijay Sankar Sen Gupta	B. A., B. T. ...	6	Assistant Master, Armanitola High School, Dacca	21st March, 1908	1st March, 1913	10th May, 1919.	
16	,, Hira Lal Chatterji ...	Ditto ...	66	Sub-Inspector of Schools Raipur, Bankura.	29th April, 1913	29th April, 1913	17th May, 1919	It was through an oversight that he was shown as confirmed from 29th April, 1916, instead of 29th April, 1913; as such he comes under No. 6.
17	Miss Sishir Jamini Bose ...	Matriculate (trained).	138	Assistant Mistress, Vidyamayee High School for Girls, Mymensingh.	1st May, 1913 ...	1st April, 1918	15th June, 1919	Was on Rs. 50 outside the graded service from 1st June, 1913.
18	,, Bimala Bala Raha ...	Read up to F. A.	88	Head Mistress, M. V. Girls' School, Faridpur.	17th June, 1913	16th January, 1917.	12th July, 1919	Was on Rs. 50 outside the graded service from 17th June, 1913.
19	,, Prativa Chaudhuri, I ...	Matriculate (trained).	91	Assistant Mistress, Dr Khastagir's Girls' School, Chittagong.	12th December, 1911	Ditto ...	21st July, 1919	Was on Rs. 50 outside the graded service from 22nd September, 1913.
20	Babu Jitendra Nath Mukherji, II.	B. A., B.T. ...	92	Assistant Master, Hindu School	4th January 1910	Ditto ...	10th August, 1919	Was on Rs. 50 outside the graded service from 5th April, 1914.
21	,, Mon Mohan Ghosh ...	Ditto ...	64	Sub-Inspector of Schools, Dacca Sadar.	2nd October, 1910	16th July, 1914	16th August, 1919	He ought to have been shown as confirmed from 16th July, 1914, instead of 16th April, 1916.
22	Miss Khirode Moni Sen ...	Read up to I. A.	139	Assistant Mistress, Dr. Khastagir's Girls' School, Chittagong	16th August, 1914	1st April, 1918	22nd August, 1919.	Was on Rs. 50 outside the graded service from 10th August, 1914.
23	Babu Ram Krishna Bhattacharji	B. A. B. T ...	93	Assistant Master, Hooghly Collegiate School	15th July, 1908	22nd January, 1917	5th September, 1919	Was on Rs. 50 outside the graded service from 17th November, 1914.
24	Maulvi Syed Wahed Ali ...	Read up to B. A.	5	Sub-Inspector of Schools Bajitpur, Mymensingh.	14th December, 1912.	14th December, 1912	Ditto ...	Sub *pro tem.*
25	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

25.

(*a*) Will the Government be pleased to state why the establishment of a district agricultural farm at Pabna for which the District Board has contributed liberally has not yet been taken up this year? Establishment of Agricultural farms in different places

(*b*) Is it a fact that a large provision was made in the Budget for the current year for two other district farms?

(*c*) If so, will the Government be pleased to state the reasons why these farms have not been started?

(*d*) Is it a fact that the money referred to in clauses (*a*) and (*b*) will lapse in time?

(*e*) Has any other scheme, either in the Agricultural or Sericultural section, for which money was allotted by Government, been abandoned for the current year, and if so what are the causes of such abandonment?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) Although provision for this work was made in the budget, no preliminary steps had, at the time provision was made, been taken towards the construction of the buildings nor were bricks available. A project for the work has now been drawn up and sanctioned, and instructions have been issued to arrange for bricks this cold weather. Proceedings for the acquisition of land are now in progress. The buildings will be constructed by the Public Works Department next financial year.

(*b*) Yes.

(*c*) The necessary preliminaries of the selection of the site, the acquisition of the land and the preparation of initial and detailed plans and estimates in consultation with the Agricultural Department, the Public Works Department and other officers or bodies interested as well as the actual construction of the buildings by the Public Works Department naturally take time. Therefore the preliminaries of a scheme up to the preparation of initial plans and estimates have ordinarily to be settled before provision is made in the budget for it. In order, however, to expedite matters Government, in accordance with what is understood to be the general wish, made the necessary budget provision in anticipation of these preliminaries in the case of these farms. But, owing to the difficulty of accelerating the ordinary preliminary work, and for the fact that the Public Works Department have in hand an exceptionally large programme of building operations which had been postponed owing to the war, it has not been found possible to accelerate the work to the extent Government hoped would be done. In the case of the two other farms referred to by the Hon'ble Member, the sites for the Bakarganj farm at Sagardi and the Birbhum farm at Suri have now been acquired, and Rs. 5,000 will be spent during the year on the buildings on the former farm. The Director of Agriculture has already been requested to settle the preliminaries of future farms in anticipation of budget provision.

(*d*) This is not altogether correct. Money has already been spent as indicated in the answer to (*c*). The balance for the Pabna and Bakarganj farms will be provided next year by the Public Works Department from their grant for works in progress and for the Birbhum farm from the grant for the establishment of farms.

(*e*) No scheme has been actually abandoned for the current year."

By the Hon'ble Khan Sahib Aman Ali:—

26.

Muhammadans and the Royal Veterinary College, Belgachia

(*a*) Will the Government be pleased to state the number of Muha madan boys in the Royal Veterinary College at Belgachia?

(*b*) What facilities are there for hostel accommodation for the s College?

(*c*) What is the capacity of the present Muhammadan hostel there, i how many Muhammadan boys are able comfortably to reside in the s hostel?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) Forty-three.

(*b*) There are two hostels, one for Hindus and the other for Muha madans, which together afford accommodation for 188 students.

(*c*) The present Muhammadan hostel has accommodation for boarders."

By the Hon'ble Khan Sahib Aman Ali:—

27.

Establishment of a Medical School in the Chittagong and Rajshahi Divisions.

(*a*) Will the Government be pleased to state the conditions that required to be fulfilled before it is considered that a case has been made for the establishment of a medical school in a district or a division?

(*b*) Have the Government approved of the necessity for the establis ment of such an institution in each division of the province?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Governme be pleased to state why the Chittagong and Rajshahi Divisions have not be provided with any such schools up to now?

Answer by the Hon'ble Mr. Marr:—

" (*a*) and (*b*) No specific conditions can be laid down. Government are agreement with the desirability of offering additional facilities for medi education in Bengal outside Calcutta, but in connection with any particul scheme it is necessary to consider the facilities offered by the particular cent proposed, the opportunites it affords for supervision and hospital practi and the area from which it is likely to draw both patients and pupils, as w as other incidental factors. The financial aspect has also to be considere and Government must see whether funds can be provided before committi themselves to any scheme

(*c*) The question does not arise."

By the Hon'ble Khan Sahib Aman Ali:—

28.

Nomination of governing bodies of Government and aided Colleges.

(*a*) Will the Government be pleased to state what is the principle adopt in nominating the governing bodies of Government and aided colleges?

(*b*) Is it not a fact that the main principle is that it should be represent tive of the different communities?

(*c*) Are the Government aware that in some cases this principle is not observed, as when the Divisional Commissioner is the Chairman of the governing body, it happens that such body also includes the Deputy Magistrate of the district?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) In making appointments to the governing bodies of Government colleges Government endeavour to select gentlemen who, owing to their position, qualifications and interest in the colleges are likely to prove useful members. Appointments to the governing bodies of aided colleges are not made by Government.

(*b*) The answer is in the negative.

(*c*) In view of the answer to clause (*b*) this question does not arise."

By the Hon'ble Khan Sahib Aman Ali:—

29.

(*a*) Will the Government be pleased to state the reasons for the appointment of a superannuated Maulvi from the United Provinces to the post of Head Maulvi of the Calcutta Madrassa in supersession of the claims of the Maulvis in the Education Department of this Presidency? Filling up of the post of Maulvi of the Calcutta Madrassa.

(*b*) Are the Government aware that the appointment of Shams-ul-Ulama M. A. Tonki, as also of his predecessor, Shams-ul-Ulama Maulvi Abdul Haq, directly to class III of the Provincial Educational Service (Rs. 500) was a source of dissatisfaction among the members of the Provincial Educational Service?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Pending the appointment of a permanent successor to Shams-ul-Ulama Mufti Muhammad Abdulla Tonki, Shams-ul-Ulama Maulvi Nazir Hussain, temporary assistant Head Maulvi of the Arabic Department of the Calcutta Madrassa, has been appointed to act as Head Maulvi of the Madrassa. He was appointed temporarily, for the present session only, because no other suitable teacher of Hadis was available and it was necessary to prevent interruption of the studies of the title class students in the middle of the session.

(*b*) Shams-ul-Ulama Abdul Haq Haqquani was appointed Head Maulvi of the Calcutta Madrassa in 1913 and after his death Shams-ul-Ulama Mufti Abdulla Tonki was appointed Head Maulvi in 1917. In both cases Government carefully reviewed the claims of officers of the Education Department of this Presidency and the merits of the various applicants for the post, and they eventually selected the gentlemen named above in consideration of their experience, attainments and reputation for learning. It is possible that their appointment led to disappointment among officers of the Provincial Educational Service who desired the post, but Government have no information on the subject."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

30.

(*a*) Has the scale of pay of the lower division clerks been revised in the offices of the Accountant-General, Bengal, Controller of Currency, Controller, India Treasuries, Accountant-General, Post and Telegraphs, Deputy Accountant-General, Post and Telegraphs? Scale of pay of the lower division clerks in the Accountant offices.

(*b*) What are the minimum and maximum rates of pay and increm under the new scale introduced in these offices?

(*c*) Will the Government be pleased to say whether the work in th offices is considered to be superior to that of the Secretariat?

Answer by the Hon'ble Mr. Marr:—

" (*a*) In the offices named, there is no separation of the clerical serv into upper and lower divisions exactly corresponding to that which exi in the Secretariat. The pay of the clerical service, which resembles the low division of the Secretariat, has been revised in the offices of the Accounta General, Bengal, Controller, India Treasuries, Accountant-General, Po and Telegraphs, Deputy Accountant-General, Posts and Telegraphs. Pr posals for the revision of pay of the clerks of the Controller of Currenc office are under the consideration of Government.

(*b*) *Accountant-General, Bengal, and Accountant-General, Cent Revenues, formerly known as Comptroller, India Treasuries*—Rs 44—4—1 —5—150, with efficiency bars at Rs. 80 and Rs. 120. Clerks who pass t departmental examination receive increments at Rs. 5 instead of Rs. 4 Rs. 3, and the maximum for these clerks is Rs 170.

Accountant-General, Posts and Telegraphs, and Deputy Accounta General, Posts and Telegraphs.—Rs. 30—3—45—2—55—1—65 and thereaft Rs. 70 after 5 years.

(*c*) The work in the various offices differs so much that it is impossil to make a comparison."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

31.

Appointment of Indians in the Bengal Pilot Service.

(*a*) Will the Government be pleased to refer to Annexure XV, page 2 and paragraph 3 of the Report of the Public Services Commission, relati to the appointment of Indians in the Bengal Pilot Service, and state wheth any endeavour has so far been made to enlist any Indian in the said servic

(*b*) Have the Government under their contemplation the establishme of training classes in ships for the training of Indians as Leadsman, Ma Pilot, etc.?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) The recommendation of the Public Services Commission regar ing the amendment of the existing rule on the subject together with t remarks thereon of the local Government and of the Government of Ind is still under the consideration of the Secretary of State.

(*b*) Government have had under their consideration the question establishing a Nautical Institute in Calcutta for the training of Indian se men in the elements of the theory of navigation and for the training of India in the art of navigation on a scientific basis; and they have appointed a sm committee to consider the question. A copy of the Government Resol tion appointing the committee is placed on the table for the information the Hon'ble Member."

Resolution referred to in the answer to question 81 (b) (unstarred).

GOVERNMENT OF BENGAL.

MARINE DEPARTMENT.

No 478 Mne.

RESOLUTION.

Calcutta, the 3rd February 1920.

The Government of Bengal have for some time past had under their consideration the question of establishing a school or nautical institute in Calcutta for the training of Indian seamen in the elements of the theory of navigation and for the training of Indians in the art of navigation on a scientific basis. No facilities at present exist in this Presidency for Indians to qualify themselves for certificates of competency for higher posts in the mercantile marine The Governor in Council is inclined to the view that an institute or academy on the lines of training institutions in European countries might prove beneficial to a section of Indians of average education who might be encouraged to take up the sailor's profession in future Enquiries made by Government show that there is at present no actual demand for such an institution in Calcutta but the Governor in Council thinks that the matter might be discussed with advantage at the present time The question requires to be very carefully considered It is necessary in the first place to ascertain definitely whether there is scope for such an institution in Calcutta If so, the matter should be examined in fuller detail, viz the course of training, the probable number of boys desirous of going to sea, the shipping companies willing to employ them, the educational and other qualifications required for such employment and any other relevant points. The Government of Bengal consider that the matter should be examined by a representative Committee, as in Bombay and Madras, where a similar question is already under consideration The Governor in Council is accordingly pleased to appoint a Committee consisting of the following gentlemen to consider the question with special reference to the points mentioned above The Committee should report their conclusions to Government as early as practicable.—

President.

The Port Officer, Calcutta

Members.

Captain P de St Croix, Marine Superintendent, British India Steam Navigation Company, Limited

Captain G R Simpson, Marine Superintendent, India General Navigation and Railway Company Limited

A representative of the Asiatic Steam Navigation Company.

A representative of the firm of Senaton Nittyanundo Roy, 2/1 Mission Row, Calcutta.

Munshi Abdool Rahaman, Dubash, of Chittagong.

The time and place for the meeting of the Committee will be arranged by the Port Officer, Calcutta.

By order of the Governor in Council.

C. B. BAYLEY,

Deputy Secretary to the Government of Bengal.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

Indians as Inspectors under the Smoke Nuisances Commission.

32.

(*a*) How many Inspectors are there in Bengal under the Smok Nuisances Commission, and how many of them are Indians?

(*b*) Are these appointments advertised in newspapers?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) There are three Smoke Nuisance Inspectors none of them is a Indian.

(*b*) Yes, in the local newspapers"

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

Distribution of pulse seeds in the cyclone affected areas

33.

(*a*) Will the Government be pleased to state—

(*i*) the quantity of pulse seeds of the different kinds purchased by tl Agricultural Department for distribution in the cyclone affecte areas in Eastern Bengal and Khulna;

(*ii*) the quantity of different pulses actually distributed, centre b centre, in the different districts;

(*iii*) the losses in the course of distribution in the different districts

(*iv*) the actual net balance in hand in the different districts and ho it has been disposed of, and at what price If the entire amoun has not been disposed of, (*a*) how much has been disposed o and (*b*) at what price,

(*v*) whether it is a fact that the defective quality of the seeds stood i the way of their disposal;

(*vi*) the quantity of rabi oilseeds of different varieties purchased by tl department for distribution in Dacca and other Eastern Beng districts and Khulna;

(*vii*) the quantity actually distributed, district by district; and

(*viii*) total areas under mustard and linseed cultivation in all the distric concerned?

(*b*) Is it a fact that there was not a great demand for mustard an linseed seeds in any of the districts, and that the District Collectors of certai districts refused to take the seeds indented for by the Agricultural Depart ment for these districts?

(*c*) Who were the officers submitting the district indents and who wa responsible for the consolidation of the same?

(*d*) Was the entire arrangement nothing but an experiment?

(*e*) If not, what considerations led the department to go in for th scheme?

(*f*) Will the Government state on which dates the indents from th subordinates were received by Director, on which date the order was place with the firm or firms for the supply, and on which dates the seeds wer actually supplied?

(*g*) From which firm or firms were the seeds purchased?

(*h*) Was any public tender called for for the supply?

(*i*) What endeavours were made by the Department to consult the local rates?

(*j*) Will the Government be pleased to lay on the table a comparative statement giving the prices current locally for these seeds and the prices charged by the firms, including freight and other charges?

(*k*) What have been the contingent charges incurred by the department in connection with this distribution?

(*l*) What expenditure has been incurred by the Government on the following items in connection with the seed distribution

(*i*) travelling allowance of all the officers employed, rank by rank, from the Director to the Demonstrators.

(*ii*) pay and travelling allowance of any temporary establishment

(*m*) How many officers, rank by rank, were employed in the work, and for how long, and what are the respective pays of these officers?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) (*i*)—

	Maunds
Khesari	3,203
Mung	3,000
Lentils	6,150
Peas	596
Mati-kalai	2,100
Total	15,049

(*ii*) A statement, district by district, relating to the 48 centres, is laid on the Library table.

(*iii*)

Mds.	Srs.	Ch.
456	13	2

(*iv*)—

Mds.	Srs.	Ch.
3,329	11	4

Separate information for each district is not available

All the seeds except 22 mds 21 srs 8 ch. of mati-kalai have been disposed of at the following rates Particulars for the Khulna seeds are not yet available:—

Mati-kalai	at Rs. 5-4	per maund.
Sonamung	at Rs. 7	,,
Kalai-mung	at Rs. 10	,,
Peas	at Rs. 6-8	,,
Khesari	at Rs. 6-12	,,
Lentils	at Rs. 6-10	,,

(*v*) No. The quality of seed was excellent and far superior to that c any other seed locally available.

(*vi*)—

	Mds.	Srs.	Ch.
Mustard	10,513	27	11
Linseed	400	7	7

(*vii*) A statement, district by district, is laid on the Library table.

(*viii*) The Hon'ble Member is referred to pages 247-51 of the supplemen to the *Calcutta Gazette*, March 3, 1920.

(*b*) There was but a limited demand for mustard and linseed in all th affected districts except Faridpur, where mustard was in some demand I is not a fact that the District Collectors of certain districts refused to tak the seeds indented for by the Agricultural Department. An indent for som seed was received for southern Mymensingh; but the Collector subsequentl decided that loan distribution was not necessary in that district.

(*c*) Agricultural officers reported serious damage; and consolidated indent were prepared with the approval of local officers and of Government.

(*d*) It was not an experiment. The same kind of work had been success fully accomplished in the year 1918 on a smaller scale in connection with th relief of distress caused by the floods in Rajshahi and Bogra The seeds wer generally given in the form of loans.

(*e*) The question does not arise; but the objects were to replace immedi ately the stocks of *rabi* seeds reported to have been damaged by the cyclon and to stabilize the price of seeds in the affected tracts. These objects wer achieved

(*f*)—

Date of reports from subordinates ...	2-10-19
Date of order to the firm ...	3-10-19
Date of supply ...	10-10-19

(*g*) Messrs. Ralli Brothers.

(*h*) No. There was no time to do so; the cyclone actually took place a the commencement of the sowing season and therefore immediate arrange ments had to be made to make good the damage. Messrs. Ralli Brother supplied the seeds at cost price.

(*i*) In investigating the damage Agricultural officers reported that price were high and rising.

(*j*) A statement is laid on the Library table. In the large majorit of cases the prices current locally were reduced owing to the distribution o these seeds.

(*k*) Rupees 12,423.

(*l*) (*i*) and (*m*) A statement is laid on the Library table.

(*l*) (*ii*) Rupees 8,856-6-8."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

34.

Promotion list of the members of the Provincial Civil Service.

(*a*) Is it a fact that the promotion list of the members of the Provincial Civil Service has not been gazetted although there are about 30 vacancies in the cadre?

(*b*) Will the Government be pleased to state when the last promotions were made, and how long the existing vacancies have remained unfilled?

(*c*) Are the Government aware that, consequent on the delay in publishing the list, many officers have retired without having knowledge as to whether they were promoted although their promotion was due long before the date of their retirement?

(*d*) What is the reason for not publishing the promotion list quarterly as used to be done before?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) No. There are now only two vacancies to be filled

(*b*) The last promotions were made in November last and included all promotions due up to the 31st October last The existing vacancies date from that month

(*c*) Only one officer has retired since the 31st October last, causing one of the vacancies, no question of promotion arises in his case

(*d*) The publication of promotions that have fallen due since the 31st October last was deferred owing to the uncertainty of the date of introduction of the expected time-scale of pay That date has now been fixed as the 1st December, 1919, and the promotions that fell due during November last will shortly be made."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

35.

(*a*) Is there any truth in the statement that the prospects of Subordinate Judges are going to be impaired according to the scheme recommended by the Public Services Commission? Prospects of the Subord Judicial Se

(*b*) Is it a fact that, according to the scheme, they will get Rs 800 in 5 years, while under the existing system they usually get their promotion to the Rs 800 grade in about 3 years?

(*c*) Will the Government be pleased to state what is being done for improving the prospects of Subordinate Judges?

(*d*) When is the reorganisation scheme for improving their prospects going to be given effect to?

Answer by the Hon'ble Mr. Stephenson:

"A final decision regarding the future emoluments of the Provincial Judicial Service has not yet been reached and no estimate of actual results is at present feasible A final decision is expected shortly and will be given effect to as promptly as possible"

By the Hon'ble Babu Bhabendra Chandra Ray:—

36.

(*a*) Is it a fact that Khan Sahib Munshi Ismat Ali, Overseer of the Alipur Central Jail Press, first entered service in 1879 and retired on pension in 1908 as Deputy Superintendent of the same Press? Appointme of Khan Sa Munshi Isn Ali as Over of the Alip Central Jail Press.

(*b*) Is it a fact that he was reappointed as Overseer of the same Press in 1908, on a salary of Rs. 200, in addition to the pension he was enjoying? If so, will the Government be pleased to state the reasons for his reappointment?

(*c*) Is it a fact that the Inspector-General of Prisons ordered the K Sahib to be relieved of his duties, with effect from the 1st September, 1

(*d*) Was this order given effect to? If not, why not?

(*e*) Is it a fact that he was given an extension of service till Decem 1919? If so, why?

(*f*) Is it a fact that he has been given a further extension till the December 1921? If so, why?

(*g*) Is it a fact that the age of Khan Sahib Ismat Ali is now 63 years

(*h*) Will the Government be pleased to state what special qualificat in press work the Khan Sahib possesses, if any, for which he has l reappointed after pension and given repeated extensions?

(*i*) Will the Government be pleased to state whether any efforts v made to secure a suitable man in the place of the Khan Sahib, in the Ali Central Jail Press or outside it, before reappointing him or giving extens of service to him?

Answer by the Hon'ble Mr. Marr:—

"(*a*) Khan Sahib Munshi Ismat Ali entered Government servic 1877. He retired on pension in December, 1908, from the position of subst tive *pro tempore* deputy superintendent of the jail press.

(*b*) Yes. No officer of the jail was competent to fill the vaca caused by his retirement. The recently appointed deputy superintend Mr. Gray, was new to India and unacquainted with the customs and lan ages of Indian prisoners. At the time the press had only recently been tra ferred to the Jail Department, and the Press and Forms Department about to be reorganised.

(*c*) Yes.

(*d*) and (*e*) As Mr. Gray fell ill at this time, the services of the Kl Sahib were retained for a further period of four months to the 31st Decem 1919, by the Inspector-General of Prisons.

(*f*) Owing to the sudden death of Mr. Gray, the press and for manager, the Khan Sahib's service has been extended by the Inspect General of Prisons up to the 31st December, 1921, subject to continued fitne

(*g*) Yes.

(*h*) Owing to his long experience in the jail press, the Khan Sahib l special qualifications for this work.

(*i*) No suitable man was available in the jail press. No effort was ma to get an outside man.

The local Government have instructed the Inspector-General tl arrangements must be made forthwith to terminate these repeated extensic by the selection of a suitable candidate."

By the Hon'ble Babu Bhabendra Chandra Ray:—

37.

Proposed legislative measures for rural improvement.

Will the Government be pleased to lay on the table a statement givi particulars about the proposed legislative measure for rural improveme foreshadowed by His Excellency the Governor in his recent speech at Su

Answer by the Hon'ble Mr. McAlpin:—

"A copy of the Statement of Objects and Reasons of the proposed B is laid on the table."

Statement of Objects and Reasons to the Bengal Agricultural and Sanitary Improvement Bill referred to in the answer to question No. 37 (unstarred) of the meeting of 5th March, 1920.

In the Bengal Presidency, especially the Burdwan and Presidency divisions, there is a considerable demand for the execution of drainage projects for sanitary as well as agricultural purposes, both large and small. The legal mechanism for such projects is contained in various Acts, viz. the Bengal Tenancy Act, 1885 (VIII of 1885), the Land Improvement Loans Act, 1883 (XIX of 1883), the Bengal Embankment Act, 1882 (Ben. Act II of 1882), the Bengal Drainage Act, 1880 (Ben. Act VI of 1880), and the Bengal Sanitary Drainage Act, 1895 (Ben. Act VIII of 1895). These Acts are, however, neither sufficiently suitable or effective in every case, nor simple enough in the case of small schemes. The relevant sections of the Bengal Tenancy Act, even though coupled with the Land Improvement Loans Act, are practically inoperative, the application of the Bengal Embankment Act is necessarily limited. The procedure prescribed in the Bengal Drainage and the Bengal Sanitary Drainage Acts is more applicable to large schemes, whilst the Bengal Sanitary Drainage Act, as its name implies, cannot be utilised for purely agricultural projects. Moreover, even for large schemes, the procedure of these two Acts is unnecessarily rigid, cumbrous and dilatory. The Bengal Sanitary Drainage Act is the less elaborate of the two, but there are many matters in the Bengal Drainage Act which should be inserted in statutory rules rather than in the law. Neither Act contains provision for the execution of works initiated by private individuals or bodies of agriculturists registered under the Co-operative Societies Act, 1912 (II of 1912). Finally, the provisions of both Acts for the apportionment and recovery of costs are unnecessarily rigid. It is, therefore, desired to consolidate and amend the Bengal Drainage Act and the Bengal Sanitary Drainage Act with a view to the promotion of agricultural and sanitary works of improvement generally.

From the above it will appear that the main fault of the present law on the subject is its lack of elasticity. The present Bill has, therefore, been drafted so as to contain only the essentials of the procedure, details have been relegated to statutory rules which can be altered in accordance with changes in conditions or experience. The Bill is designed to cover both large and small schemes which are initiated or can be executed by any person or body of persons, such as a Co-operative Society, or local authority.

For small schemes a simple procedure has been evolved, whilst a more elaborate procedure has been prescribed for large schemes, involving a reference to a committee appointed *ad hoc*, the Sanitary Board and Government. The Bill provides for the payment by the applicant or for an advance from public funds of the cost of the proposed improvement, and for the recovery of costs, or of a portion thereof, from the landlords and tenants of the area benefited by the improvement. In the latter case the rigid and sometimes inequitable provisions of the Bengal Drainage and Bengal Sanitary Drainage Acts have been avoided. On the analogy of section 114 of the Bengal Tenancy Act it is proposed that each apportionment order should follow the merits of each particular case, and that the costs should be recovered from the individual landlords and tenants of the area benefited.

By the Hon'ble Babu Bhabendra Chandra Ray:—

38.

What action has been taken by Government in regard to the recent scarcity of coke and the abnormal rise in its price in Calcutta and other places? Scarcity of coke.

Answer by the Hon'ble Mr. Marr:—

"In May, 1918, the Corporation of Calcutta established depôts in tl four municipal markets in Calcutta for the sale of coke and coal for domest consumption at fixed prices. These depôts are still being maintained und the control of the Corporation. The selling prices at these depôts, fixed consultation with the Coal Controller, are annas 9-6 per maund, and annas per maund for quantities below 20 seers. The demand upon these depôts h largely increased of late owing to the prices which are being charged in outsi shops. Arrangements have, however, been made to meet all demands c these depôts for domestic consumption. The Coal Transportation Officer h already acted upon the recommendations of the Calcutta Corporation regards priority treatment for coal supplies to depôts under their control. scheme for giving priority treatment to depôt holders at places like Howra Sealdah, Ultadanga, etc., is in course of being brought into operation. T demand for wagons, however, prevents similar treatment being granted present to depôt holders in the mufassal. But all supplies, preferential otherwise, depend upon the number of wagons available from day to da The Railway Board have under consideration the question of giving the Co Transportation Officer larger powers to ensure that wagons shall be avai able in the coal-fields to comply as far as possible with demands for coal. T above measures have, it is believed, to some extent checked profiteering ar further increase in the prices charged elsewhere."

By the Hon'ble Babu Bhabendra Chandra Ray:—

39.

Strength and expenses of the Special Intelligence Department of the Criminal Intelligence Department.

What effect will the amnesty to *détenus* and State prisoners have upo the strength and expenses of the Special Intelligence Department of tl Criminal Intelligence Department and upon special appointments such those of Additional Secretary and Under-Secretary in the Political Depar ment, and their establishment?

Answer by the Hon'ble Mr. Stephenson:—

"The cessation of violent crime of a political character which result from the use of Bengal Regulation III of 1818 and the Defence of India A against active members of the revolutionary movement enabled the Governc in Council towards the end of 1919 to decide upon a reduction in the strengt of the Intelligence Branch of the Criminal Investigation Department of tl officers and men noted below:—

*Special Superintendent		...	...	1
†Deputy Superintendents		...	...	2
Inspectors	...	...	...	8
Sub-Inspectors	...	...	...	12
Head Constables	...	...	...	34
Constables	...	...	...	76
Clerks	...	...	...	5
Press employees		...	...	3

* Vacant since 21st October 1919.

† One post vacant since 1st November 1919.

This reduction came into force on the 1st January last.

Following upon previous developments and the recent release of a larg number of *détenus* and State prisoners in accordance with the policy c clemency announced in the Royal Proclamation, it is not proposed to rene the term of the appointment of the Additional Secretary which expires o

the 2nd April, 1920. Since January last the Additional Under-Secretary has been employed on other work under the Chief Secretary. The establishment of the Additional Secretary has been reduced by the abolition of the following posts:—

Assistants	...	...	... 7
Typists	...	...	... 3
Record supplier	...	...	... 1
Peons	...	...	... 2 "

By the Hon'ble Babu Bhabendra Chandra Ray:—

40.

With reference to the answer to my unstarred question No. 42 at the last meeting of the Council, will the Government be pleased to state:— The rice question

(*a*) whether the estimate of outturn of rice as given therein is not based on the usual statistical returns and forecasts which were alleged by Government to be unsatisfactory and unreliable in connection with certain questions of mine in this Council last year; and what special steps, if any, have been taken by Government to ascertain their accuracy this year;

(*b*) whether the attention of Government has been drawn to a recent press telegram from Rangoon in which it has been pointed out that the outturn of rice in Burma this year is estimated to fall far below that of last year;

(*c*) the names of districts where speculation is stated to exist, together with the purport of the reports received up to date from the District Officers concerned, regarding such speculation,

(*d*) where and to what extent from each locality, " stocks have been acquired in any quantities by large traders " and in what places are such stocks held at present;

(*e*) whether they are in a position to give a list of these large traders, together with the approximate extent of their present stocks of rice;

(*f*) what steps, if any, were taken by the local or other officers to discourage these large traders or their purchasing agents from making these large purchases, or to point out the erroneous character of their impression that they would be enabled freely to export to other provinces and abroad under which the said purchases are stated by Government to have been made;

(*g*) whether forward sale of standing crops was reported from any district and to what extent *mahajani* loans were granted on the security of rice crops this year in each district as compared with the past few years; and

(*h*) whether they are considering the desirability of publishing regularly the reports of the different district economic intelligence officers on the food situation of the respective districts.

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) The estimate under reference is based on the usual forecasts, which on this last occasion were prepared with more than usual care. For the purposes of the Hon'ble Member's question on the 3rd February, 1920, Government consider these statistics adequate.

(*b*) Government are aware that according to the final forecast the out turn of rice in Burma is estimated to be 11 per cent. less than the last year For the whole of India the estimate of this year is, however, 45 per cent. in excess of the last year.

(*c*), (*d*), (*e*) and (*g*) Government have already announced the genera trend of their information; they do not propose to publish details. Accord ing to the information possessed by Government the acquisition of stocks b large traders is not abnormal.

(*f*) Local officers have instructions to give publicity to the prohibition on the export of rice both to other provinces and abroad. In this connec tion copies of *communiqués* issued by the Government of India and the Loca Government on the 24th December, 1919, and 11th February, 1920, respec tively are laid on the table.

(*h*) No."

Communiqué referred to in the answer to clause (f) of question No. 40 (unstarred) asked on the 5th March, 1920.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

PRESS COMMUNIQUE.

Dated the 24th December 1919.

As announced in a Press *communiqué* of the 31st October last the Gov ernment of India have had under consideration the question of retaining cor trol over exports of rice in 1920. The prospects of the rice crop through out India are generally good but prices are still high. Further, though th price of rice in India rules high, world prices owing to the failure of the cro in other rice-producing countries are very much higher. In these circum stances, if exports from India were not restricted, the demand of foreig countries for rice would probably draw out stocks which are required fc replenishing reserves and would force up prices to such a level as to caus hardship to the Indian consumer. The Government of India have, therefor decided that it is necessary to continue control over exports of rice fro India during the ensuing year. As regards exports from India proper, tl existing form of control will be continued. The quantities allowed for expo will be restricted to the minimum requirements of foreign countries whic are dependent on India for supplies. These will be rationed according t quarterly allotments which will be communicated to the Collectors of Custom at the Ports of Calcutta, Madras, Bombay and Karachi and will be distr buted by them amongst established shippers on the basis of previous shi ments to the country concerned. Conditions in Burma have entailed th enforcement of a more stringent scheme of control over exports from the province. In order to keep down internal prices, exports to foreign countri will be restricted to the surplus estimated to be available for export afte providing for the needs of India. All sales and purchases for export fro Burma will be made through the Rice Commissioner who will not purcha rice throughout 1920 at a higher rate than the equivalent of rupees one hu dred and eighty per hundred baskets of paddy. It is considered that this figur which has been fixed after consultation with the local Government and th trade, is the highest limit to which prices in Burma can be allowed to ri without detriment to the consumer, but that it is at the same time a pri which will afford an ample return to the cultivator. The result of fixing th

maximum price would, in the absence of special measures, be to concentrate large profits in the hands of exporting merchants, and it is clearly desirable that these profits should be shared by the community at large. The Rice Commissioner will, therefore, sell rice to foreign countries either by tender or at such prices as he considers fair with reference to prevailing rates, and the difference between the purchase and sale price will be realised for Government. It is impossible to estimate the probable extent of the profits, but it is recognized they will be made partly at the expense of producers in Burma who would, if control were removed, derive large profits from the present condition of world markets and world prices. For this reason the Government of India have decided that the net profits of the scheme should be made over to the Burma Government, subject to a limit of one crore, on condition that the money will be expended for the benefit of the cultivator. The scheme of control which has been designed to attain the desired objects and which will come into effect from the first January, 1920, is as follows:—(1) No exports will be permitted except under license from the Rice Commissioner. (2) All importing countries will be rationed and given fixed quarterly allotments. (3) The Rice Commissioner will periodically invite tenders from foreign purchasers for the amounts allotted, fixing a minimum price which may be varied on each occasion at his discretion, but in the case both of purchases and sales he will have a margin of discretion whether in making allotments to millers and shippers or in accepting offers from foreign exporters (4) The maximum price to be paid by the Rice Commissioner throughout the year will not exceed the equivalent for big mills specials of rupees one hundred and eighty per hundred baskets of paddy. The prices of other qualities of rice will be settled on a fixed ratio in proportion to the price of big mills specials and no tenders at any higher prices will be accepted. (5) The quantity of rice which will be allotted for export to India will be fixed monthly and will be supplied by the Rice Commissioner at cost price, and in order to prevent undue profits being made by Indian importers the present system of control at Indian ports will for the present be continued (6) The headquarters of the Rice Commissioner will be at Rangoon, but arrangements have been made for purchasers and sales also at Moulmein, Akyab and Bassein through his representatives.

Communiqué referred to in the answer to clause (f) of question No. 40 (unstarred) asked on the 5th March, 1920.

GOVERNMENT OF BENGAL.

REVENUE DEPARTMENT.

(AGRICULTURE.)

PRESS COMMUNIQUE.

Calcutta the 11th February 1920.

It is intimated for public information that the following control over the movements of rice from Bengal is in force:—

(1) All exports of rice from Bengal by rail to other provinces are restricted to controlled amounts in the interests of the consumer in Bengal.

(2) All exports of rice from Bengal to other countries outside India are prohibited except by permission to such countries as are absolutely dependent upon India for their requirements, and then only in minimum quantities and provided that the requirements of those countries cannot be met from Burma.

M. C MCALPIN,

Secretary to the Government of Bengal.

By the Hon'ble Babu Bhabendra Chandra Ray:—

41.

Increase in the price of rice.

(*a*) With reference to the tabular statement (B) appended to the answer to the unstarred question No. 42 of the last meeting of the Council, are the Government in a position to explain the all-round increase of about Re. 1-10 per maund in the price of rice over that of last year, in view particularly of a favourable rice crop?

(*b*) What steps are Government taking to investigate the causes of the increase?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) The main reason underlying the rise in the price of rice, despite the favourable rice crop of the present year, is that the purchasing value of money has changed throughout the world owing to special causes generated by the war. Not only has the price of rice risen in Bengal, but the prices of almost all articles have risen all over the world. A statement is laid on the table showing the percentages by which the average price of foodstuffs has risen in different countries since the commencement of the war. In this connection the Hon'ble Member is referred to a recent speech made by the Right Honourable Mr. Lloyd George in the House of Commons and reported in a Reuter's telegram of the 10th February, in which the Prime Minister stated that the real explanation of dear living was the devaluation of money and that this devaluation existed throughout the world.

(*b*) In the circumstances no separate investigation is deemed necessary; but all the economic facts and any new tendencies are always under examination, so that any local causes, if any, may be analysed and if possible and necessary met by administrative action."

Statement referred to in the answer to question No 41 (unstarred), asked on the 5th March, 1920, showing the percentage rise in the price of foodstuffs in different countries since July, 1914.

Countries.	Percentage rise since July, 1914
Belgium (Brussels)	261 (August, 1919).
Sweden	207 (October, 1919).
Vienna	173 (August, 1917).
Norway	198 (September, 1919).
France (Paris)	180 (November, 1919).
Portugal (Lisbon)	151 (May, 1918).
Switzerland (since June, 1914)	141 (September, 1919).
United Kingdom	134 (December, 1919).
Denmark	112 (July, 1919).
Berlin	111 (November, 1916).
Holland (Amsterdam)	104 (October, 1919).
Italy (Rome)	141 (October, 1919).
Canada	92 (November, 1919).
United States	84 (October, 1919).
Spain	57 (March, 1919).
Australia (Commonwealth)	48 (September, 1919).
New Zealand	53 (November, 1919).
South Africa	54 (October, 1919).
India (unweighted)	68 (End of September, 1919).
Calcutta	51 (December, 1919).
Bombay	93 (End of September, 1919).
Madras	79 (End of September, 1919).
Karachi	73 (End of September, 1919).
Rangoon	42 (End of September, 1919).

By the Hon'ble Babu Bhabendra Chandra Ray:—

42.

Will the Government be pleased to refer to the statements of wholesale and retail prices published in the *Gazette of India* and say whether they are in a position to explain the reason why the index prices of rice lately show a greater increase over those of corresponding periods of last year in the case of Bengal, than in most other provinces, in spite of a favourable outturn in Bengal this year?

Increase in the index prices of rice.

Answer by the Hon'ble Mr. McAlpin:—

"The Hon'ble Member is referred to summary table No 3 in the supplement to the *Gazette of India* dated the 14th February, 1920 From this it will be apparent that the price of rice at the corresponding period last year in other parts of India with the exception of Bihar and Orissa, Burma and a few stations in the United Provinces was higher than in Bengal. There was, therefore, room for a greater increase in Bengal than in most other provinces."

By the Hon'ble Babu Bhabendra Chandra Ray:—

43.

(*a*) Will the Government be pleased to make a detailed statement about the steps they propose to take for controlling movements of rice to other provinces and abroad, giving particularly the maximum quantities up to which export will be allowed (*i*) to each of the Indian provinces and (*ii*) abroad, as at present arranged, and the extent to which the stocks of the different surplus districts will be allowed to be drawn upon for the purpose?

Control of export of rice from Bengal

(*b*) What other steps, if any, are the Government taking for discouraging cornering and holding up of stocks of rice for speculative purposes?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) (*i*) Movements of Bengal rice by rail and sea to other provinces continue to be regulated by the Director of Civil Supplies in accordance with allotments made in favour of such provinces by the Deputy Foodstuffs Commissioner to the Government of India. The total quantity of Bengal rice allotted for such export is fixed monthly by the Government of India in consultation with the Government of Bengal. In the interests of the consumer in Bengal only such allotments have been allowed as will not have any appreciable effect on the market. The allotment for January was 850 tons, that for February 4,500 tons, and that for March is 10,350 tons against an import in the same month into Chittagong of 5,000 tons of Burma rice which is partially for the Assam trade.

Government have no intention of determining the amount up to which different districts will be drawn upon. Normal trade movements between districts render this undesirable

(*ii*) Movements of Bengal rice abroad are controlled by the Government of India; and the Hon'ble Member is referred to the *communiqué* issued by the Government of India on the 24th December, 1919, of which a copy has been laid on the table. Such exports are prohibited except by permission to such countries as are absolutely dependent upon India for their requirements, and then only in minimum quantities and provided that the requirements of those countries cannot be met from Burma. Allotments of exports from India are made quarterly. The allotment for exports of rice from Bengal ports for the current quarter is nil.

(*b*) From the above it will appear that the action which Government taking is directed to the stabilisation of prices throughout the province by conservation of stocks within it and by giving publicity to this policy—*v* the answer to the Hon'ble Member's question No. 43 (*f*). It naturally follc that individuals within the province should also conserve their surplus stoc but there is very little evidence of actual cornering or of the holding up stocks deliberately for speculative purposes."

By the Hon'ble Babu Bhabendra Chandra Ray:—

44.

Food values of rice of different standards.

Will the Government be pleased to say whether they are considering desirability of investigating the comparative food values of rice of differ standards and kinds and according to the different methods of huski cleaning and cooking in vogue in Bengal?

Answer by the Hon'ble Mr. McAlpin:—

"Government are not considering the desirability of investigating comparative food values of rice on the lines indicated. The Hon'ble Mem will find certain information on the subject in the following publications

'Indian Food Grains' by Dr. Church, 1886.
The Agricultural Ledger, 1903, No. 7, pages 175—78.
Scientific Memoir No. 37 of 1910.
Scientific Memoir No. 45 of 1911.
Scientific Memoir No. 49 of 1912."

By the Hon'ble Babu Bhabendra Chandra Ray:—

45.

Food value of Burma rice

Are the Government in a position to state what proportion of t controlled Burma rice now in stock is of the polished variety, and its fo value as compared with the ordinary quality of Bengal rice?

Answer by the Hon'ble Mr. McAlpin:—

"There is no Burma rice of polished variety now in stock. For its fo value the Hon'ble Member is referred to the following publications:—

Scientific Memoir No. 37 of 1910.
Scientific Memoir No. 45 of 1911.
Scientific Memoir No. 49 of 1912."

THE EASTERN FRONTIER RIFLES (BENGAL BATTALIO BILL, 1920.

LIST OF BUSINESS—ITEM No. 3.

The Hon'ble Mr. Stephenson moved that the Report of the Sele Committee on the Eastern Frontier Rifles (Bengal Battalion) Bill, 1920, taken into consideration.

He said :—

When the Eastern Bengal Volunteer Rifles (Bengal Battalion) B was introduced into Council the Hon'ble Member in charge explained tl

genesis of the Bill. After the last partition in 1912 the Military Police in both Bengal and Assam were governed by the provisions of the Eastern Bengal and Assam Military Police Act of 1912. The Assam Government propose to revise this Act in order to emphasise the military position and duties of the Assam Military Police of which the Force were proud, and it was decided that the opportunity should be taken to get rid of the anomaly of the military police in Bengal being governed by the Assam Act. Enquiries showed that the force in Bengal were equally proud of its military record and it was decided to fall into line with Assam in giving a military title to the force. The present Bill effects this and reproduces the provisions which have governed the force practically since it came into existence, the only alterations made being those necessitated by the new military title of the force. The Bill has been published and criticism invited, and it is a tribute to the suitability of the organisation as a whole that practically no criticism has been forthcoming. The Select Committee which considered the Bill were unanimously of opinion that no change was necessary in any of its provisions. I, therefore, now move that the Report of the Select Committee on the Eastern Frontier Rifles (Bengal Battalion) Bill, 1920, be taken into consideration."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 4.

The Hon'ble Mr. Stephenson moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

THE BENGAL ALLUVIAL LANDS BILL, 1920.

LIST OF BUSINESS—ITEM No. 5.

The Hon'ble Mr. Cumming introduced a Bill to prevent disputes concerning the possession of certain lands in Bengal gained by alluvion, or by dereliction of a river or the sea.

He said :—

"Sir, I beg leave to introduce the Bengal Alluvial Lands Bill, 1920. This Bill is intended to prevent riots in connection with lands gained by alluvion or by the dereliction of a river or the sea in the deltaic tracts in Bengal. This is a problem which has long been under the consideration of Government. In fact, so far back as the commencement of the 19th century, in view of the serious nature of the problem the solution was put forward that all such lands should be placed under the direct control of the Collector. That solution, some Hon'ble Members will be relieved to hear, Government have not adopted. Of the more recent negotiations, the history will be found in the Statement of Objects and Reasons atttached to the Bill, which I shall briefly recapitulate. In 1905, a Bill dealing with the problem was prepared and circulated for criticism. Its general policy met with the approval of 9 associations out of 13 who were consulted. But Government did not proceed with it, because the amendment of the Criminal Procedure Code was then under consideration. In 1910, it was, however, decided that the problem was peculiar to Bengal ; and, therefore, no provision could be made in an all-India Act for its solution. The question of legislation was then left pending the completion of the riverain surveys of the province These have now, so far as the principal areas are concerned, namely, the alluvial lands in the

Mr. Cumming.

Dacca and Chittagong Divisions and some other areas along the Ganges, been completed. There is now no reason for further delay and Government have therefore decided to take action. A Bill has accordingly been drafted in which an attempt has been made to correct the defects of the Bill of the year 1905.

Now what is the problem which we desire to solve? Put briefly, it is that of the prevention of riots on alluvial land for the purpose of obtaining possession of that land by force. I need hardly take up the time of the Council with an elaboration of the intensity and frequency of these riots. In the words of the Evidence Act I think this may be taken to be a fact of which the Council might take judicial notice. But, if any member of this Council desires detailed information, I would refer him to the final Settlement Reports of the districts of Dacca and Faridpur, paragraph 343 of the former Report and paragraphs 115—120 of the latter. These will give him an idea of the lawlessness which prevails on account of the impossibility of exact knowledge of title when a char appears in the Ganges,—of the ease with which valuable crops can be grown on these chars,—and of the advantage which is gained by the strong man who can enforce initial possession. One settlement officer says that the crime of rioting is a blot on the administration of the district; and the other says that the law has failed in every respect.

But it may be asked why there should be any necessity for a separate law, as there is already provision in section 145 of the Criminal Procedure Code for the settlement of such disputes on the basis of possession. But that is precisely where the trouble comes in. In the ordinary land dispute some one is in possession, and it is the duty of the criminal courts to maintain that person in possession. In disputes regarding newly formed chars no one is in possession; the land is a pure gift of Nature and the advantage lies with the person who by physical force is able to enforce initial possession. In fact the law as stated in section 145 is practically the exact opposite of what it ought to be for the present purpose; for far from stopping riots in connection with chars it simply promotes them. Any law, therefore, which we frame must ignore possession. It must only take account of title. That is the first essential.

The second essential is that some one must have power to intervene before a dispute actually comes to a head in order to prevent a riot taking place. We may legislate for effecting a decision in a dispute on the question of title instead of on that of possession; but the prospect of growing valuable crops on these chars or of obtaining rent from them would still form an attraction whether the would-be land owners consider they have a right to Nature's gift of alluvial land or not. We have accordingly proposed to give to the Collector the power to step in and intervene before a riot actually takes place by attaching the land when he is credibly informed that a dispute likely to cause a breach of the peace exists or is likely to arise in regard to any alluvial land. This is the second essential.

If these two essentials be conceded, it is obvious that there must be some connecting link between the two. This link it is proposed to create by the direction in the Bill that the Collector should refer the dispute to the Civil Court who will decide it as if it were an ordinary title suit. Regarding details I may add that it is proposed to protect the person, who may be ultimately held by the Civil Court to be the legitimate landlord of any alluvial land, from losses of any bonus on the settlement of land, by making provision under the rules under clause 2 of section 7 for the levy by the Collector of such bonus from any tenants on behalf of such person.

The echoes of this rural rioting which Government desire to prevent may not be heard in urban Calcutta; but it is a very real evil. A century's experience has shown that neither the Civil Courts nor the Criminal Courts

Mr. Marr.

nor a detailed survey of a constantly changing tract can stop this lawlessness . and it is incumbent upon Government to devise some other method.

With these remarks, Sir, I beg leave to introduce the Bengal Alluvial Lands Bill."

The motion was put and agreed to.

THE AMENDED DRAFT FINANCIAL STATEMENT.

LIST OF BUSINESS—ITEM No. 6.

The Hon'ble Mr. Marr presented the amended draft Financial Statement for Bengal for 1920-21.[1]

He said :—

"Sir, I have the honour to present to the Council the Amended Draft Financial Statement for the year 1920-21. My remarks may be brief, as Hon'ble Members have already received copies of the papers and the general financial situation of the Presidency in the current and coming year has been explained at some length in them.

We started the current year with a balance which was Rs 1,48,000 better than we expected. The outstanding feature of the year, however, is that the receipts have far exceeded our expectations. We expect to get from Stamps Rs. 22½ lakhs, Income-tax Rs. 66¼ lakhs, Registration Rs. 8 lakhs, Jails Rs. 7¼ and from Scientific and Miscellaneous, on account of sale of quinine to the military authorities, about Rs. 7¼ lakhs, over the budget figures On the expenditure side also, the sanctioned estimates, so far as can be foreseen at present, are likely to be exceeded by over Rs 14 lakhs for reasons fully explained in the memorandum

As for the coming year, our revenue estimates have been framed in the hope that the industrial and commercial activity of the current year will continue.

During the period of the war the most rigid economy had to be exercised. The obvious consequence, however, has been that all branches of the administration have suffered as the result of the financial stringency, which prevented the continuance of the progressive policy initiated in 1914-15, and there is therefore, much leeway to make up The result of this economy for the last four years has been a large increase in our balances, the bulk of which, however, represents unspent balances of earmarked Imperial grants. This places us at any rate in the possession of some ready money for expenditure on schemes involving non-recurring expenditure with which again to initiate a progressive policy now that hostilities have ceased.

A sum of Rs. 22,63,000 has been allowed to give effect to the recommendations of the Public Services Commission, and provision has also been made in the next year's budget to meet the urgent demands of all the departments, with the result that the expenditure estimates exceed the revenue estimates of the year by Rs. 63,65,000.

It is still impossible to give any forecast of what the financial future of the province will be under the Reforms Scheme. The financial relations between the Government of India and the different Provincial Governments are still under consideration and, when the Committee on Financial Relations, presided over by Lord Meston, visited Calcutta last month, we pressed Bengal's claims as strongly as we could. In this we were very ably assisted

[1] Not published in these proceedings.

Mr. Cumming.

by the non-official members of the Finance Committee. Nothing more can now be done until the Committee on Financial Relations has come to its conclusions.

Hon'ble Members will of course remember that the figures as now furnished are only provisional and that they will not be final until the budget is finally presented.

LIST OF BUSINESS—ITEM No. 7.

The Hon'ble Mr. Cumming introduced the following heads :—

Revenue—

I.—Land Revenue.

Expenditure—

3. Land Revenue.

Revenue—

IX.—Forests.

Expenditure—

11. Forests.

18. General Administration.

Revenue—

XVIII.—Ports and Pilotage.

Expenditure—

21. Ports and Pilotage.

Revenue—

XXIA.—Agriculture.

Expenditure—

26A. Agriculture.

Revenue—

XXIB.—Scientific and Miscellaneous Departments.

Expenditure—

26B. Scientific and Miscellaneous Departments.

He said :—

"Sir, I have the honour to introduce the main heads under 'Land Revenue' and its connected subjects. As the Financial Statement has been prepared in much detail, I shall not intrude on much of the time of the Council.

The estimate for receipts under the head 'Land Revenue' was prepared last year on the assumption that the year 1919 would be a good agricultural year. This expectation has on the whole been fulfilled, and a small increase of revenue is anticipated, although there has been distress in Bankura and Brahmanbaria and in certain Eastern Bengal districts on account of the

Mr. Cumming.

cyclone of September last. For next year, the estimate of such receipts has also been formed on the assumption that agricultural conditions will continue to be good. On the expenditure side, the budget estimate is about 12½ lakhs in excess of the revised estimate for the current year.

This is due to—

(*1*) a provision of Rs. 2½ lakhs in pursuance of the policy of appointing circle officers ;

(*2*) the payment of a debt to the Government of India of nearly Rs. 3 lakhs for expenditure incurred by them in the land revenue settlements conducted during the settlement operations in the district of Bakarganj ;

(*3*) the provision of over Rs. 10 lakhs to give effect to the recommendations of the Public Services Commission for the improvement of the pay and prospects of the Indian and Provincial Civil Services ; and

(*4*) the provision of Rs. 2½ lakhs for the development of Kalimpong as a hill station.

In the case of the Forest Department, we may congratulate ourselves on an expected increase of revenue during the current year of over Rs. 2½ lakhs more than was anticipated, whilst the estimate for expenditure will probably be only exceeded by a little over a lakh and a half. This is due to the fact that departmental operations are being conducted on a more extensive scale than has hitherto been the case and to an increased demand for raw materials. Next year, we anticipate still larger revenues, in all Rs. 20 lakhs, for the same reasons. The estimate for expenditure for next year is, however, over Rs. 4 lakhs in excess of the revised estimate for the present year. This is due to the necessity for making provision for communications, buildings, improvements, etc., expenditure on which had been rigorously curtailed during the war. Much of this will repay itself. Half a lakh has also been provided for the reorganization of the Subordinate Forest Service. The nett surplus has been expanded to the extent of three and a half lakhs in three years.

Under the head 'Scientific and Miscellaneous Departments' the large increase in the revised estimate of nearly Rs. 6 lakhs is chiefly due to the large quantity of quinine supplied for the frontier campaign. In the estimate for 1920-21, normal provision has been made for the Cinchona Plantations.

A sum of Rs. 10,000 has been provided in the budget for Fisheries as the first instalment of the money required for the establishment of a carp-cultural station near Calcutta with a view to the proper investigation of the various problems connected with the breeding, development and growth of carp.

The general agricultural budget includes the Co-operative Department, the Veterinary Department, as well as the Agricultural Department proper. These departments are not large revenue-paying departments, but the revenue head is remarkable for an increase of sales of silk cocoons from the sericultural nurseries since the year 1917-18 by over half a lakh of rupees ; and a further advance of half a lakh is anticipated next year. On the expenditure side, provision has been made for the proper expansion of the agricultural department by the provision of Rs. 2½ lakhs more than the original budget for the current year. Provision has been made for the establishment of four more farms in accordance with the policy adopted by Government of gradually establishing a farm in every district, for the appointment of another botanical expert and for giving effect to the revision of the pay of Imperial officers in accordance with the recommendations of the Public Services Commission. There is also provision for the Dacca vernacular agricultural

The Maharajadhiraja Bahadur of Burdwan.

school which was started on the 15th January last and for the Chinsura school which it is hoped will be completed in June. There is at present no provincial provision for the Agricultural Institute at Dacca; for the initial expenditure of Rs. 75,000 for the acquisition of land was met from an Imperial grant. We shall try to obtain another grant, but, failing that, we shall rely on savings in order to commence its construction next year. The increased expenditure of about a lakh of rupees for Co-operative Societies is due to the development of that Department and to the necessity of the creation of an adequate staff to keep pace with that development in accordance with the statutory obligations of the State.

Revenue—

XVIII.—Ports and Pilotage.

Expenditure—

21.—Ports and Pilotage.

I also beg to introduce the subject 'Ports and Pilotage' under the Marine Department. Owing to shipping difficulties during the war 'pilotage receipts' fell. It is now hoped that the tonnage of the Port of Calcutta will gradually increase and that a rapid recovery in the receipts will be effected.

As regards the Port of Chittagong the position has been altered since last year. It has been settled in consultation with the Government of India that the Imperial Government will take over the administration of the Port of Chittagong as the terminal of the Assam-Bengal Railway; but it has been recently intimated that it will not be possible to undertake at present the necessary legislation in the Imperial Council. In the meantime, therefore, the existing arrangement will continue."

LIST OF BUSINESS—ITEM No. 8.

The Hon'ble the Maharajadhiraja Bahadur of Burdwan introduced the following heads :—

Expenditure—

19A. Courts of Law.

24B. Sanitation.

Revenue—

XXXI.—Civil works in charge of Civil officers.

Expenditure—

45. Civil works in charge of Civil officers.

He said :—

" Expenditure—

19A.—Courts of Law.

Sir, I rise to introduce the figures relating to Courts of Law. The total budget estimate for 1919-20 was Rs. 1,04,35,000, but the revised estimate was raised to Rs. 1,06,33,000. This increase is due mainly to the additional temporary courts which it has been found necessary to open, to cope with the steady increase in judicial work, and partly to the payment of war allowances to menials and to larger expenditure under 'Supplies and Services' and 'Contingencies.'

The Maharajadhiraja Bahadur of Burdwan.

The total expenditure for 1920-21 has been estimated at Rs. 1,14,37,000 which, besides providing for a further increase in the volume of judicial work, includes provision of Rs. 2,50,000 for the improvement of the pay of the officers of the Provincial Judicial Service, against a lump provision of Rs. 1,25,000 for the same purpose in the current year's budget, and a provision of Rs. 52,788 for an additional Judge of the High Court and his establishment for the whole year, as well as Rs. 10,668 for the re-organization of the record-room of the Appellate Side of that Court.

Provision has also been made in the budget for 1920-21 for the additional Judge of the Small Cause Court and his establishment throughout the year. Proposal for the permanent retention of this additional Judge has been recommended to the Government of India, because the existing staff of Judges is unable to cope with the volume of work which comes before the Court and also because it is proposed to relieve the Registrar of his judicial functions. Provision has also been made for the Additional Legal Remembrancer and his establishment, the term of whose appointment has been provisionally extended. There has been, however, a considerable reduction under the head 'Charges under the Defence of India Act' from Rs. 50,000 in 1919-20 to Rs. 5,000 in 1920-21.

It has not been found possible to make provision in the Provincial Civil Works Budget for any new judicial major works for the year 1920-21, though a sum of Rs. 50,000 has been provided in the budget for judicial minor works as was done in this year's budget.

21B.—Sanitation.

Sir, I now have the honour to introduce for the consideration of Council the figures relating to sanitation. The expenditure for the current year was originally estimated at Rs. 18,66,000 and has now been reduced to Rs. 15,00,000 owing largely to the transfer, to the Irrigation Department, of funds for expenditure on anti-malarial works. The Department acts as the agent of the Sanitary Department in regard to these schemes and there is no diversion of funds from sanitation. The chief items of expenditure sanctioned during the current year from the grants for sanitary improvement are shown in page 41.

As regards the expenditure for the coming year the statement given in Appendix C on page 101 of the amended draft Financial Statement shows that we are budgetting for the large sum of Rs. 19,30,000 to be spent on anti-malarial works, on schemes of sanitary engineering and certain recurring charges and that we propose to supplement the 9½ lakhs grant by drawing on the accumulated balances of Imperial grants to the extent of nearly 10 lakhs in order to provide for developments of public health work.

Under the head of 'Recurring Sanitary Charges' I may draw attention to the large provision for quinine grants. During the current year the sum of Rs. 50,000 was allotted for this purpose and the amount is to be doubled in the coming year. Another item of particular interest is that of Rs. 45,000 for contributions by Government towards the pay of district health officers. It is hoped that this allotment will enable Government to provide half the pay of the Health Officers who are to be appointed by District Boards next year. The entry of Rs. 10,000 for a Subordinate Sanitary Service calls for a brief explanation. Hitherto subordinate medical officers, such as Sub-Assistant Surgeons, who are required for the Sanitary Department, have been lent by the Medical Department under the Surgeon-General; but there has been increasing difficulty in obtaining their services, and consequently it has been thought advisable to provide for their separate recruitment and on that account a separate allotment has been made.

A lakh has been provided for continuing the campaign against hookworm disease which was initiated last year under His Excellency's auspices.

Mr. Cowley.

Provision has been made for the establishment at Dacca of a laboratory for the analysis of food and water which it is hoped will relieve the pressure on the Sanitary Commissioner's laboratory in Calcutta. Rupees 30,000 have been allotted for child-welfare work which is now the subject of enquiry by a special committee appointed by Government. Their report has not yet been received, but it is considered advisable to provide money to enable a forward movement to be made, *e.g.*, by having *dais* trained by medical men in the mufassal. A large sum, viz, Rs. 50,000, has also been set aside for a publicity bureau, the object of which is to develop and extend public health propaganda.

Revenue—

XXX.—Civil Works in charge of Civil Officers.

Expenditure—

45.—Civil Works in charge of Civil Officers.

I shall now introduce the figures relating to Civil Works in charge of Civil Officers.

The budget estimate of receipts for the current year was Rs. 1,69,000, but in the revised estimate this has been reduced to Rs. 1,45,000. The decrease has been made mainly with reference to the actuals of the first nine months of the current year under the head 'Tolls'. The budget estimate for 1920-21 is Rs. 4,45,000.

As regards expenditure, the decrease of Rs. 3,95,000 in the revised estimate is mainly attributable to the transfer to the head '21—Ports and Pilotage' of a sum of Rs. 3,25,000 for payment of a grant to the Port Commissioners for the improvement of the Port of Chittagong

The estimate for 1920-21 is Rs. 12,50,000 of which details for Rs. 11,17,000 are given on page 53 of the Financial Statement."

LIST OF BUSINESS—ITEM No. 9.

The Hon'ble Mr. Cowley introduced the following heads :—

Revenue—

XXIX.—Irrigation—Major Works.

Expenditure—

42. Irrigation—Major Works—Working Expenses.

Revenue—

XXX.—Minor Works and Navigation.

Expenditure—

43. Minor Works and Navigation.

Revenue—

XXXI.—Civil Works in charge of the Public Works Department.

Expenditure—

45. Civil Works in charge of the Public Works Department.

Mr. Cowley.

He said :—

"Sir, I have the honour to introduce for the consideration of Council the Public Works heads of the budget entitled—

Irrigation—Major Works—

XXIX—Receipts.

42—Expenditure ; also

Minor Works and Navigation—

XXX—Receipts.

43—Expenditure.

The major works included within this Presidency comprise the Midnapore and Hijli Tidal Canals. The chief sources of revenue are the water rate collections on account of the areas irrigated from the Midnapore Irrigation Canal system and tolls received from navigation on the Midnapore and Hijli Tidal Canals. The revenue derived from Irrigation remains more or less a constant figure, whereas the receipts from navigation vary. The small total increase in the revised estimates for the current year is due to the increased receipts under navigation, owing to the shortage of railway wagons and the diversion of railway goods traffic to boat traffic on the Hijli Tidal Canal. The budget estimate for 1920-21 follows the revised estimate for the current year, on the assumption that this boat traffic will continue during that year.

In regard to expenditure under the major head 42, I have nothing to add to the statement made on page 51 of the amended draft Financial Statement.

In regard to minor works and navigation, the chief sources of revenue are the tolls received from navigation on the Calcutta Canals, the Sunderbans steamer route and the Madaripur Bil Canal which together form the navigable route for boats and inland steamers between Calcutta and Eastern Bengal. During the past 3 years the net revenue received from the Madaripur Bil Canal has been in excess of 6 per cent. on the Capital expenditure. During 1918-19, 5,880 steamers and flats made use of this route for the transportation of 124 lakhs of maunds of cargo. Owing to this large increase in traffic, work on the widening of the Canal has been commenced and will be continued during the coming year. A provision of Rs. 4,70,000 has been made in the current year's revised budget for expenditure on this work ; and for next year a sum of Rs. 7,00,000 has been provided. The total cost of widening is estimated at Rs. 17,00,000 ; and the work will be pushed on as rapidly as possible.

An estimate amounting to Rs. 10,25,351 inclusive of the usual percentage charges for establishment and tools and plant has been sanctioned for the reconstruction of the Kidderpore bridge. During the current year a sum of Rs. 70,000 has been provided in the revised budget for expenditure during the year, and, for expenditure during 1920-21, a sum of Rs. 6,50,000 has been included in the budget estimate.

A project for the partial canalisation of the Tolly's Nullah has been initiated and a sluice is now under construction at Samukpotha, at the junction of the Tolly's Nullah with the Bidyadhari river. A sum of Rs. 1,00,000 has been provided in the revised estimates for the current year for expenditure on this work and the work is now nearing completion. The amount provided for expenditure in the budget estimates for 1920-21 is Rs. 5,000. When introducing for the consideration of Council the Public Works heads of the budget for the year 1919-20, I pointed out that the efforts of Government in the Irrigation Department were largely expended in the conservation and improvement of waterways, and that inextricably bound up with this question was the question of drainage. I further stated

Mr. Cowley.

that data were being collected to enable Government to deal effectually with the whole problem of river improvement; and as an example of a project of this character, I alluded to the work of the improvement of the Bidyadhari river. During the current year, work in connection with the improvement of the Bidyadhari river has been continued, and the revised estimates for the current year provide for an expenditure of Rs. 2,10,000 on this work. A further sum of Rs. 80,000 has been provided for expenditure during 1920-21.

Measures already begun for mitigating the effects of the Damodar floods by the improvement of the exit channels of the flood water into the Rupnarain river have been continued during the year and the probable expenditure during the current year will be Rs. 2,38,000. A further provision of Rs. 1,76,000 has been made in the budget estimate for 1920-21.

Investigations which were taken up in connection with the construction of reservoirs in the catchment of the Damodar river have been concluded during the current year, and we now have available the necessary data for the preparation of a project for the control of the floods of the river for the consideration of Government. During the current year a sum of Rs. 8,000 is likely to be expended on these investigations; and a provision of Rs. 2,000 has been made in the next year's budget estimate to permit of further investigations if found necessary.

During the year, work in connection with the Amirabad and Pichabani drainage projects in the Contai subdivision of the district of Midnapore has been started, and it is expected that a sum of Rs. 1,00,000 will be expended during the current year on these two projects; work will be continued during the year 1920-21, and it is hoped that it may be possible to complete these two projects during the year. For these works a sum of Rs. 1,90,000 has been provided for expenditure during the year 1920-21.

A provision of Rs. 1,00,000 has also been made for the improvement of the drainage conditions of the Bullee Bil in the 24-Parganas.

In regard to measures of anti-malarial drainage, the following works have been either completed or are nearing completion :—

(1) Banka scheme.
(2) Improvement of the Saraswati river.
(3) Baragachi project.
(4) Monikhali project.

The expenditure involved on these works is not provided for in the Public Works Department budget, but is provided in the Civil Department budget under sanitation. The sum required for expenditure during the year is, however, transferred to the Public Works Department for expenditure. Under the Sanitary Drainage Act the following projects are now under construction :—

(1) Arul Bil (Jessore).
(2) Amta (Howrah).
(3) Jaboona (Jessore, Nadia and 24-Parganas).
(4) Nawi Sunthi (24-Parganas).

These works will be continued, and I hope that the Arul Bil scheme will be completed and considerable progress made on the others in the course of next year. Surveys in connection with anti-malarial drainage projects are continuing, and new projects are being developed. Provision for the general maintenance of works in efficient condition and for small original works of an important nature have also been included in the revised estimates for the current year, and for expenditure on similar works during 1920-21.

Mr. Hornell.

Revenue—

XXXI—Civil Works in charge of the Public Works Department.

Expenditure—

45.—Civil Works in charge of the Public Works Department.

Sir, I have to introduce for the consideration of the Council the Budget for *Civil Works in charge of the Public Works Department.*

On the receipt side I have nothing to add to the remarks in the amended draft financial statement.

The grant for 'Works in progress' for the next year includes provision for relaying the surface of some of the roads on the Calcutta Maidan with tar macadam, continuing the improvements of the Duars Roads, and providing a water-supply and new roads in connection with the development of Kalimpong as a hill station. Provision is also made for protecting the river bank at Pabna against erosion of the river Ganges."

LIST OF BUSINESS—ITEM No. 10.

The Hon'ble Mr. Hornell introduced the following heads :—

Revenue—

XIX.—Education.

Expenditure—

22. Education.

He said :—

"Mr. President, I rise to lay before the Council the heads of Revenue and Expenditure of the Education Budget for the coming financial year.

Revenue.

The receipts are growing—Rs. 9,47,392 in 1916-17 and Rs. 9,83,109 in 1918-19 and the estimate I now place before you is Rs. 11,00,000. The increase is mainly due to the larger income derived from fees paid in Government Colleges and Schools.

Expenditure.

The expenditure side has also grown—from Rs. 76,87,152 in 1916-17 to Rs. 1,21,42,000, the amount which it is proposed to spend during the coming financial year. The figures on page 35 of the Financial Statement illustrate the stages of this growth.

The sanctioned budget for the current financial year stands at Rs. 97,86,000. Looking to the actual expenditure during the first nine months of the financial year, as also to the fact that no capital expenditure will be incurred during the period from the grant provided for giving effect to the recommendations of the Calcutta University Commission, it is anticipated that the expenditure during the year will fall short of the sanctioned estimate by Rs. 2,78,000, and will be in fact Rs. 95,08,000

The budget for the period in prospect has been fixed at Rs. 1,21,42,000, a figure which exceeds the budget estimate for the current financial year by more than 23½ lakhs and the anticipated expenditure of the current financial

year by nearly 26½ lakhs. The new items included in the programme of educational expenditure for the coming financial year are explained in the Financial Statement on pages 35-38 and 82-88. I do not therefore repeat them

Besides the expenditure proposed under the main head it is anticipated that Rs. 10,30,000 will be spent by the Public Works Department in original building works for the Education Department and provision has been made accordingly. Details are to be found on page 58 of the Financial Statement.

The various recurring Imperial grants which have been sanctioned from time to time have been provided in full. These grants include, as I shall show later, the Imperial recurring assignment of Rs. 5,45,000 for the Dacca University.

The Finance Member has already shown that a sum of Rs. 1,22,23,000 still stands to the credit of the Bengal Education Department, by reason of the balances of the various Imperial grants, which balances are still outstanding. During the coming financial year it is proposed to spend about Rs. 23,90,000 from these balances.

I will now add a few words as to the various purposes on which this sum of Rs. 23,90,000 is to be spent.

The Dacca University.

It is proposed to devote from this amount a sum of Rs. 4,55,000 to buildings and other capital charges necessary for the realisation of this long pending scheme. This assignment is not the only amount which is made available for this purpose in the budget estimates which I am now laying before you. In the years 1912-13 and 1913-14 Imperial recurring grants to the extent of Rs. 5,45,000 were sanctioned for the Dacca University Scheme This amount has been provided in the estimates. We are now busily engaged in making such preparations as must be completed before the University can actually begin work.

The provision of a hostel in connexion with the Apprentices' Technical School, Kanchrapara, Eastern Bengal State Railway.

This Council will remember that as a result of a resolution brought forward about this time year before last by the Hon'ble Sir R. N. Mukerjee and accepted by the Council, a sum of Rs. 45,000 was provided in the current year's budget for the establishment of a hostel in connexion with the Apprentices' Technical School, Kanchrapara. I need not repeat the details of the scheme. It is necessary to devote Rs. 31,000 of the balances to the completion during the coming financial year of this hostel.

The establishment of a Technical Institute in Calcutta.

The question of the training of engineering apprentices has indeed been bulking large during the last year. In addition to the Kanchrapara scheme the conference recently convened by His Excellency is formulating a scheme for a technical institute in Calcutta. This institute will be confined, to start with, to the instruction of apprentices in practically every branch of engineering other than mining engineering, but its subsequent expansion into something more like a technological institute is contemplated. In order that a start, long overdue, may be made in the direction of meeting this need, it is proposed to devote 6 lakhs of the balances to the purchase of a site and to provide from the balances a further sum of 2 lakhs with which to make a good start with the buildings.

Mr. Hornell.

The Engineering College, Sibpur.

The development of the Engineering College at Sibpur has long been delayed by various suggestions that it should be moved from its present location. It has now been definitely decided that it will remain where it is, but the site and the general sanitary con lition of the compound of the college need improvement and this improvement is a necessary preliminary to the further development of the college. A sum of 2 lakhs has been provided from the balances for this purpose.

Primary Education.

Turning to primary education, it is proposed to assign 3 lakhs of the balances to the inauguration of the new scheme which has recently been worked out as between the Education Department and the Corporation for the improvement of primary education in Calcutta. This scheme involves contributions from the Corporation as well as from funds at the disposal of Government.

When the Bengal Primary Education Act (Act IV of 1919) was passed the municipalities of the Presidency other than the Calcutta Corporation were called upon to submit the statements required by section 3 of that Act. Only a few of those statements have been received and Government are not aware of what the general resources of the municipalities are as compared with their needs. It has not therefore been possible as yet to formulate any general scheme of Government assistance, but it was thought that a sum of at least one lakh should be provided from the balances so that if any municipality in the mufassal found itself in a position to go ahead under the Bengal Primary Education Act Government would be able to help it to do so.

The establishment of a Muhammadan College in Calcutta.

It is proposed to devote Rs. 50,000 of the balances to making a start in the direction of the establishment of a Muhammadan College in Calcutta This is a proposal of which this Council has heard more than once and it is one to which the Government of Bengal are committed. Some years ago a site was purchased in Wellesley Street, but no further progress was made with the scheme partly because of the appointment of the Calcutta University Commission. The Commission's Report is now before the public. It recommends the establishment of an Islamic College in Calcutta as a constituent college of the University; and its scheme of reorganisation would also probably involve either the development of the Anglo-Persian Department into an Intermediate College or the creation of an Intermediate College for Mussulmans in Calcutta. It is impossible for us to say when these proposals will be carried out, if ever. But Government are unwilling that their promise should remain any longer unredeemed. What therefore we propose to do is to begin with this sum of Rs. 50,000 the construction of a building on the Wellesley Street site which would accommodate a First Grade College, comprising, as first grade colleges do now comprise, both Intermediate and Post Intermediate classes. This building could be without difficulty converted in future, should the occasion for this conversion arise, either into an Intermediate or into a Constituent College. We have a plan of a building already.

Madrassahs.

It is proposed to provide from the balances a sum of Rs. 81,000 for improving the buildings of private Madrassahs. This expenditure is very necessary in the general interests of the Moslem community. I may add that the Madrassahs to receive assistance from this provision will be those which are trying to meet the demands of the reformed Madrassah Scheme.

Mr. Hornell.

The Victoria Boys' School, Kurseong.

The Victoria Boys' School, Kurseong. is an institution which is especially intended to meet the needs of the less wealthy members of the domiciled community who educate their children in India. The school is in serious and urgent need of improvement and expansion. The Council will recall a resolution which the Hon'ble Mr. Irwin brought before the Council last year with regard to this school. I trust that the Council will see eye to eye with Government in this their attempt to improve the educational facilities of this particular section of the community. Those members who have read the recent report on the domiciled community will not, I venture to hope, oppose this proposed expenditure as either unnecessary or of comparative unimportance.

The Chittagong Collegiate School.

The Chittagong Collegiate School, one of the most promising Zilla Schools of the Presidency, is at present housed in what was formerly an office. A scheme for providing the school with buildings of its own was worked out in 1914 and a fine site has been acquired. The scheme should not be indefinitely postponed and it has consequently been decided to provide Rs. 75,000 from the balances. With this money it will be possible to make a start with this much-belated and urgent scheme.

Manual Instruction classes in Indian High Schools.

In 1915-16 a scheme was sanctioned for the opening of manual training classes at 24 selected High and Zilla Schools and one Middle English School. These classes have been successful in 21 of the schools, but all the existing classes are badly in need of adequate and suitable accommodation. It is proposed therefore to devote Rs. 74,000 of the balances to the provision of better accommodation for this promising and all-important branch of school-work. An amount of Rs. 34,100 has also been provided in the budget from Provincial Revenues for starting new manual instruction classes. I feel that I shall have the Council with me in this effort towards the general improvement of secondary school training. Manual work is now universally accepted as an essential element in a sound school curriculum and there are special reasons why Bengal should not at this juncture be without this advantage.

The Bethune College.

The Bethune College buildings are in a dreadful state of congestion. A scheme for constructing a separate building for the college was mooted as long ago as 1907. The congestion cannot be tolerated any longer. Various big schemes for dealing with the future development of the college and its connected school have been put forward during the last seven years, but all these schemes involve large expenditure, and until we know what, if anything, is coming out of the Calcutta University Commission's report it is not possible to come to an ultimate and final decision. It is proposed to provide Rs. 50,000 from the balances, and with this amount available it will be possible to relieve the existing congestion in the class-rooms by means of buildings of a temporary nature, and to carry out some expansion of the college's work.

Grant to the Calcutta University for the construction of hostels of affiliated colleges in Calcutta.

The Council will remember that in the year 1915-16 the Government of India sanctioned a grant of ten lakhs for the construction of hostels. To this was added a sum of Rs. 2,00,000, the balance of previous Imperial grants. On the strength of these receipts a programme of hostel construction was undertaken by the University and carried out. It is proposed to provide Rs. 94,000 from the balances to meet the last instalment of the balance due to the University.

Khan Bahadur Aminul Islam.

To summarise the purposes to which it is proposed to devote the sum of Rs. 23,90,000 which is to be taken from the Imperial balances. These purposes are :—

	Rs.
(1) Dacca University	4,55,000
(2) The provision of a hostel in connexion with the Apprentices' Technical School, Kanchrapara, Eastern Bengal Railway	31,000
(3) The establishment of a Technical Institute in Calcutta (for construction of buildings)	2,00,000
(For acquisition of site)	6,00,000
(4) The Engineering College, Sibpur	2,00,000
(5) Primary Education in Calcutta	3,00,000
Ditto outside Calcutta	1,00,000
(6) The establishment of a Muhammadan College in Calcutta	50,000
(7) Madrassas	81,000
(8) The Victoria Boys' School, Kurseong	80,000
(9) The Chittagong Collegiate School	75,000
(10) Manual Instruction Classes in Indian High Schools ...	74,000
(11) Improvement of the Bethune College buildings ...	50,000
(12) Grant to the Calcutta University for the construction of hostels for affiliated colleges in Calcutta ...	94,000
Total ...	23,90,000

At the close of the financial year 1920-21 we shall, if we spend all the amount which I have just named, have to our credit an Imperial balance of Rs. 98,33,000 of which an amount of Rs. 57,36,000 will be earmarked for the Dacca University. Thus, the money provided for the Dacca University apart, we may anticipate that on the 31st March 1921 we shall still have a balance of Rs. 40,97,000 for general educational purposes. Let me explain in conclusion that, as regards this last-named balance at any rate, it will not be possible to spend it save on objects of a non-recurring nature—practically buildings and equipment. The pace at which we can carry out any large construction programme is set by the rate at which the Public Works Department can get the work done."

LIST OF BUSINESS—ITEM No. 11.

The Hon'ble Khan Bahadur Aminul Islam introduced the following heads :—

Revenue—

X.—Registration.

Expenditure—

12. Registration.

He said :—

"SIR,—I have the honour to introduce for the consideration of the Council the Budget heads of Receipts and Expenditure of the Registration Department.

The actual receipts in 1918-19 amounted to Rs. 19,17,737 The sanctioned estimate for the current year is Rs. 19,00,000. But during the first nine months there has been a gradual increase almost every month and receipts are already Rs. 4,84,420 over those of the corresponding period of the last year. It is anticipated that, on this basis, the total collection during the year will be Rs. 27,00,000. This large increase of Rs. 8,00,000 over the sanctioned estimate is due to the abnormal rise in the number of registrations owing to

various causes. In the mofussil it was due to rise in the price of foodstuffs and to the last cyclone in East Bengal; but in Calcutta and its suburbs, it was mainly due to an abnormal increase in the price of house property and a consequent speculation in land. The budget estimate for next year has accordingly been placed at Rs. 27,00,000 on the basis of the revised estimate for the current year.

On the expenditure side the sanctioned estimate for the present year is Rs. 12,21,000 and the revised estimate with reference to the actual charges for the first nine months of the year has been fixed at Rs. 13,00,000. The increase of Rs. 79,000 is due mainly to larger expenditure on temporary copying establishment both in Calcutta and in the mofussil. The budget estimate for the next year, which has been framed as economically as possible, has been placed at Rs. 13,89,000. This is in advance of the revised estimate by Rs. 89,000 and of the sanctioned estimate by Rs. 1,68,000.

On pages 64 and 65 of the Financial Statement the items of expenditure are shown, the outstanding features of which, I am glad to note, are that it has been found possible to provide for two long-deferred projects, viz :—

	Rs.
1. Revision of the strength and pay of the ministerial establishment of district headquarters and rural registration offices	90,339

The main features of this scheme are the increase of the pay and the strength of the district headquarters establishment and the enhancement of pay of the clerks and mohurrirs employed in the mofussil registration offices from Rs. 20 and Rs. 15 to Rs. 25 and Rs. 20, respectively. The scheme, which was sanctioned by the Secretary of State in 1916, will cost about Rs. 1,38,339, of which Rs. 48,000 was provided last year to give partial effect to the scheme and the balance of Rs. 90,339 has been provided for in next year's budget.

	Rs.
2. Revision of the cadre of Sub-Registrars	42,300

The revised cadre which has been based on Sir David Barbour's scale provides for a larger proportion of appointments in the higher grades and is expected to quicken the rate of promotion.

Rupees 2,160 has been provided for raising the pay of Probationers from Rs. 30 to Rs. 40."

LIST OF BUSINESS—ITEM No. 12.

The Hon'ble Mr. Marr introduced the following heads :—

Expenditure—

1. Refunds and drawbacks.
6. Stamps.

Revenue—

V.—Excise.

Expenditure—

7. Excise.
10. Income-tax

Mr. Marr.

Revenue—

XII.—Interest.

Revenue—

XXA.—Medical.

Expenditure—

24. Medical.

Revenue—

XXII.—Receipts in aid of superannuation, etc.

Expenditure—

29. Superannuation allowance.

Revenue—

XXIII.—Stationery and Printing.

Expenditure—

30. Stationery and Printing.

Revenue—

XXV.—Miscellaneous.

Expenditure—

32. Miscellaneous.

He said :—

SIR,—I have the honour to introduce for the consideration of Council the various heads of Revenue and Expenditure with which I am concerned. The following heads call for no comment beyond the remarks which already appear in the Statement:—

Expenditure—

1—Refunds and drawbacks.
6—Stamps.
29—Superannuation allowances.

Revenue—

XII—Interest.
XXII—Receipts in aid of superannuation.
XXIII.—Stationery and Printing.

Turning to heads, Revenue V and Expenditure 7—Excise, with a view to check consumption, the duty on country spirit for different strengths was enhanced in the districts of Hooghly, Howrah, the 24-Parganas, Calcutta and Jalpaiguri in January 1919, and in March last the retail prices of country spirit were increased throughout the Presidency. The opening hour also of premises for the retail vend of foreign liquor for consumption therein was fixed at 11 A.M. in July 1918. As a result of these restrictive measures there has been an appreciable fall in consumption this year. Owing to better shipping facilities, there has been a larger supply of imported liquor, which has

caused a fall under the head, "Liquors and spirits made in India after European methods." For these reasons, it is expected that the receipts this year will fall short of the original estimate by Rs. 6 lakhs.

In January last the duty on country spirit for different strengths was again raised with effect from the 1st April 1920 in the districts of Burdwan, Jalpaiguri, Rangpur, Dacca, Mymensingh and Darjeeling. The price per seer of *ganja* was also raised from Rs. 60 to Rs. 75, and the rate of duty on *bhang* was uniformly fixed at Re. 1 per seer for all districts. These measures will perhaps further check consumption next year, but with the cessation of hostilities, the commercial and industrial prosperity of the province are likely to increase, which will conduce to the consumption of excisable articles. The extension of the fixed fee system to the districts of Burdwan, Dacca, Mymensingh, Jalpaiguri, Rangpur and Darjeeling, with effect from the 1st April 1920, will also tend to increase the license fee and duty receipts and the coming year's estimate has, therefore, been fixed at Rs. 1,87,00,000.

Besides making provision for additional establishment for the introduction of the fixed fee system, the expenditure budget provides for normal growth and calls for no remarks.

As for expenditure under Income-Tax, the figures represent the cost of establishments for the collection of taxes under the Super-tax Act VIII of 1917 and the new Income Tax Act VII of 1918. Owing to the introduction of these new Acts the work of the department has materially increased and the establishment, especially in Calcutta, has had to be strengthened accordingly. On the other hand, a large increase in revenue is looked for.

XXA and 24 A.—Medical.—To meet to some extent the growing need for qualified medical practitioners in Bengal, increased accommodation has been provided in the Campbell and Dacca Medical Schools. This, together with the enhancement of the school fees in these two institutions, mainly accounts for the increase in receipts both in the revised and budget estimates under XXA—Medical.

It was announced last year that provision had been made for the construction of the Hygiene Institute attached to the School of Tropical Medicine, of a new medical school at Burdwan and of the new Eye Hospital at the Medical College, Calcutta. These works have been commenced this year and the Hygiene Institute is nearing completion. Necessary provision for their completion has been made in next year's Public Works Department budget. At present there are no facilities for the treatment of diseases of the eye, throat, ear and nose in the Campbell Hospital, nor is there any provision for the education of students in those special branches in that School. Provision has, therefore, been made for the opening of indoor and outdoor wards in that Hospital for the treatment of those diseases. All preliminary arrangements have been completed for the transfer of the administrative control of the Mitford Hospital from the 1st April to Government, and necessary provision for the upkeep of the Hospital for the whole year has been made in next year's budget. Another important item is the provision of Rs. 4 lakhs for payment of a non-recurring grant to the authorities of the Belgachia Medical Institute for reasons explained in the memorandum. To comply with the regulations of the Calcutta University, pending the construction of permanent hostels, attached messes have been started in hired houses for the accommodation of the students of the Medical College. As it is desirable to have permanent boarding houses as soon as possible, a sum of Rs. 4,30,000 has been spent this year out of the unspent balances of the Imperial non-recurring grant for Medical Education given some years ago, for the acquisition of a site for the construction of a hostel, and a sum of Rs. 2,75,000 has been provided in the next year's Public Works Department

Mr. Stephenson.

budget for the completion of the acquisition. In accordance with the recommendations of the Medical Services Committee, provision has been made for the improvement of the pay of the Provincial and Subordinate Service officers.

30.—Stationery and Printing.—The principal items are the expenditure on Government presses and stationery supplied from central stores. During the year a war allowance has had to be sanctioned for the employees of the press, and this will have to be continued next year also. There has been a very great increase in the amount of printing work which necessitates longer working hours for the employees and therefore larger payment of overtime allowances. These account for the increase in the revised estimate for 1919-20 and the budget estimate for 1920-21. As printing work is bound to increase very considerably with the formation of the enlarged council under the Reforms Scheme, provision for the purchase of more linos and printing machines has been made. The construction of the new press building on the site acquired for the purpose at Chetla has already been taken in hand and necessary provision for its continuance has been made in next year's Public Works Department budget. It is hoped that the building will be completed and that it will be possible to remove the press to the new building in June or July, 1921.

32.—Miscellaneous.—Owing to the increase in the cost of living, the sanction of the Government of India has been asked to a scheme for raising the pay of the menials. In the expectation that sanction will be accorded early next year a provision of Rs. 11 lakhs has been made for this. The contract contingent allotments of the various departments were fixed for five years with effect from 1918-19 in this Government's Finance Department Resolution No. 9927-9984-F., dated the 15th December 1917. Consequent on the rise in price of all articles of stationery and on the enhancement in the rates of postal and telegram charges, it has been impossible for some of the controlling officers in charge of growing departments to keep expenditure within the funds allotted. A provision of Rs. 2 lakhs has, therefore, been made for giving additional contract grants, where necessary, and a provision of Rs. 1,50,000 has also been made to meet the initial expenditure likely to be incurred in the introduction of the Reforms Scheme, though the estimate is necessarily of rather a rough description.

LIST OF BUSINESS—ITEM No. 13.

The Hon'ble Mr. Stephenson introduced the following heads :—

Revenue—

XVI B.—Jails.

Expenditure—

19B. Jails.

Revenue—

XVII.—Police.

Expenditure—

20. Police.

Mr. Stephenson; Maulvi Abul Kasem.

He said :—

Revenue—XVI—Jails—Expenditure—19B—Jails.—The estimates of the Jail Department reflect the high prices in the current year and that may be expected in the immediate future. There is an increase of 4 lakhs under the head of jail manufactures representing the increased cost of the purchase of raw materials. As a set-off against this, there is a rise of over 7 lakhs in the revised estimate of receipts for this year from jail manufactures. In the coming year we estimate for a partial return towards normal conditions, and the total both on the expenditure and receipt sides is less than the revised. There is an increase in expenditure under the heading Jails of 6 lakhs this year, and we anticipate very much the same expenditure in the coming year; nearly 3 lakhs of this is under the head Dietary charges, nearly one lakh under the head Clothing and Bedding of Prisoners, while half a lakh is provided as a lump provision for revision of the Jailor establishment.

Revenue—XVII—Police—Expenditure—20—Police.—Turning to the Police Budget, increased receipts are estimated chiefly from Arms Act licenses, and receipts under the Motor Vehicles Act. In the Presidency Police on the expenditure side the revised estimate is ¾ lakh higher than the budget, and the budget for next year is a lakh and a half higher than the revised, excluding the provision of 5 lakhs for the removal of the Alms House. The chief increase is 1½ lakh under the heading Calcutta Police which is accounted for by the revised pay of European Sergeants, the establishment of a Public Vehicles Department and Clothing. In the General Police the excess in the revised is 5 lakhs over the budget, and a slight increase on the revised is proposed for next year. This increase is accounted for by the increased cost of the new time scale of the superior officers, and a very large increase under the head allowances and supplies and services including chiefly increase under travelling allowance, building charges to repair damage done by the cyclone, an increase of a lakh in clothing charges, and of half a lakh under the heading Railway Warrants. Against this, there is a decrease of a lakh under the Criminal Investigation Department. Next year's budget includes a lump provision of 5 lakhs for additional force and police reforms; in this is included 2 lakhs for improving the pay of head-constables, Rs. 1,29,000 for strengthening the cadre of sub-inspectors and Rs. 74,000 for raising the ordinary reserve of constables.

RESOLUTIONS

(under the rules for the discussion of matters of general public interest).

LIST OF BUSINESS—ITEM No. 14.

The Hon'ble Maulvi Abul Kasem moved the following resolution :—

This Council recommends to the Governor in Council that a separate and independent municipality be established at Jiaganj, district Murshidabad, comprising the whole area of the Azimganj Municipality on the left bank of the Ganges.

Maulvi Abul Kasem.

He said —

"Sir, in moving this resolution I have to place before the Government and this Council a few facts; firstly, the geographical position of the Azimganj Municipality. The river Ganges runs through this municipality dividing it into two parts—Jiaganj and Baluchar being on the left bank and Azimganj proper on the right bank, and the municipal office is also located at Azimganj. So it is very inconvenient for the people of Manoolla Bazar and Jiaganj to go over to the municipal office because they have to cross the river by boat and their difficulties are greatly enhanced during the rains. But that is not the only grievance. As the municipality is constituted at present it is run by people who live in the Azimganj ward of the town and, therefore, Jiaganj and Baluchar are the most neglected parts of that municipality. I need not elaborate the point because the District Magistrate, the Divisional Commissioner and Sanitary Commissioner and other high officials of Government have in their inspection notes repeatedly drawn the attention of the people and the municipal authorities to this, and it has been intimated that no amount of warning has been of any avail. The natural consequence will be that after one or two more warnings Government will come down on the citizens with the accusation that the Municipal Commissioners have failed to discharge their duties efficiently and that Government are going to take action under section 65. That is no doubt a remedy; and if the circumstances are not what they are, I think the Municipality of Azimganj would have deserved such treatment, but the fact is that the citizens are not responsible for the present state of affairs. In the first place the area is large and scattered and the municipal executive cannot on account of the geographical position of the municipality take proper care and exercise proper supervision over its work. Besides, there is the other fact that the constitution of the municipality is such that the Baluchar and Manoolla Bazar parts of the town, which comprise about ⅔rds of the population, contribute ⅔rds of the income of the municipality, and also if the area is taken into consideration these two wards are entitled to elect more members. At present they elect 6 Commissioners, whereas Azimganj which has one-third of the total population elects 4 Commissioners. This gives a disproportionate importance to the Azimganj Municipality and from the constitution of the present municipality it will be found that Government have appointed 5 members who almost all belong to the Azimganj ward. For this reason and for the fact that the administration of the municipality is going from bad to worse, and specially to avoid the catastrophe which befell the unfortunate municipalities of Burdwan and Hooghly, I humbly submit to Government and to this Council that the proper course would be to divide the present municipality into two parts as the rate-payers desire so that there may be proper supervision. The residents of Baluchar and Jiaganj will thus be able to manage their own business well. The income, I think, will be sufficient. According to the ordinary calculation the Jiaganj municipal area will have an income of Rs. 20,000, and Azimganj Rs. 10,000. There is no doubt then that there should be two small municipalities, and I think efficient and well worked small municipalities are better than large and badly managed ones. The Azimganj railway junction station is now a growing town and has a growing population. I think that ought to be included in the Azimganj Municipality, and if this is done the population and income of Azimganj will greatly increase. Thus, both the Municipalities of Azimganj and Jiaganj will be able to work satisfactorily and will not be so bad as at present. The fact that accounts at present are not properly kept is due to the lack of supervision and this matter has been severely criticised by Government officials. I, therefore, beg to move, Sir, that the Azimganj Municipality be divided into two parts and a separate municipality be established on the other side of the river."

Babu Surendra Nath Ray; Maharajadhiraja Bahadur of Burdwan.

The Hon'ble Babu Surendra Nath Ray said:—

"Sir, I am sorry to have to oppose this resolution. It may be that the grievances of which my friend, the Hon'ble Maulvi Abul Kasem, has spoken are all correct, but there is a legal defect to this resolution being accepted. My friend most probably has read section 9 of the Bengal Municipal Act which expressly lays down that the local Government may, on the recommendation of the Commissioners at a meeting, by notification published in the *Calcutta Gazette*, and in such other manner as it may determine, declare its intention among other things to exclude from a municipality any local area comprised therein and defined in the notification; or to include within a municipality any local area contiguous to the same and defined in the notification; or to subdivide any municipality into two or more municipalities. If my friend wants to exclude a portion of the Azimganj Municipality from Jiaganj or wants to subdivide the present Azimganj Municipality into two municipalities that division can take place only when the Commissioners at a meeting so resolve and send up their recommendation to Government for confirmation. So unless the recommendation comes from the Commissioners the Government practically has no hand in the matter. There is another thing which ought to be taken into consideration. Even if the recommendation is made the Government reserves to itself the discretion either to sanction it or to refuse it, but at present there is no recommendation from the Commissioners at a meeting to Government. My friend simply moves that the municipality ought to be divided, but how? Government cannot do it; there is that legal bar and there being that legal bar, I think Government have no hand in the matter and cannot accept the resolution.

Then my friend has said that there are 6 Commissioners in the Jiaganj and 4 Commissioners in the Azimganj side of the Municipality and 4 Commissioners are nominated by Government. I think this discussion will produce some effect on Government because when the next election takes place Government may take good care that all parties are properly represented and not simply nominate some powerful men of one locality. For these reasons, Sir, I cannot support this resolution."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"Sir, the legal difficulty which I wanted to point out to the Hon'ble Member has already been mentioned by the Hon'ble Member who has just spoken. It is certainly sporting of the Maulvi Saheb to champion the cause of a municipality from which he does not hail himself or even to which district he does not belong. But as has been already pointed out by Babu Surendra Nath Ray, no municipality can be partitioned under the Bengal Municipal Act except on the recommendations of the Commissioners at a meeting. The initiative must be taken by the Commissioners themselves. If the people of Jiaganj, Baluchar and Azimganj are in favour of partition, they must move Government to have the partition effected; and if Government entertain the proposals favourably after due inquiry, it will then be for the Government to publish a notification declaring their intention. This is an essential preliminary to establishing any new municipality. Further, local opinion has also got to be invited even if the Commissioners at a meeting were to resolve in favour of such a partition, and it is open to any rate-payer to object. Government must take all such objections into consideration before coming to a final decision. This being the existing law and no proposal having been received by Government for the partition of the Azimganj Municipality, I think it must be apparent to this Council that it is quite impossible to give effect to the resolution moved by the Hon'ble Maulvi Abul Kasem, and I would therefore advise him to withdraw his resolution. On

the other hand, if it really be the fact that the nominated members of this municipality come only from one portion of that municipality, I shall certainly draw the attention of the local officers to the fact when the next election takes place. Sir, I am unable to accept the resolution."

The Hon'ble Maulvi Abul Kasem said :—

"Sir, after what has fallen from the Hon'ble Member in charge and from the Hon'ble Babu Surendra Nath Ray, I have no other alternative but to withdraw the resolution ; but in doing so I have only got to say that as the law stands there is no other remedy but for the Municipal Commissioners to take the initiative, and as the majority of them come from one portion of the municipality, and as they have the advantage of collecting money from Jiaganj and Baluchar and spending it in Azimganj, I do not think we can safely hope that they will like to be deprived of their good food. What I wanted to do by moving this resolution was to draw the attention of Government to the fact that it would be a great hardship to the rate-payers if the municipality was not divided into two as the different wards are very inconveniently situated. With these few words I beg to withdraw my resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 15.

The Hon'ble Maulvi Abul Kasem moved the following resolution :—

This Council recommends to the Governor in Council that early steps be taken to protect the areas in the Ketugram and Mangalkote thanas of the Burdwan district from damages caused by the normal floods of the Ajai river and to mitigate the effects of the inundation.

He said :—

"Sir, since this Council has been constituted, I have been moving resolutions on this subject in one form or another from year to year, and it may be pointed out to me that this is one of our hardy annuals But in this particular case, Sir, I beg to submit that whenever I have moved a resolution on this subject I have received a very sympathetic reply from the Government, and I gratefully acknowledge what has been done to mitigate the effects of the flood in the district of Burdwan. Good progress has been made with reference to the Damodar and also with reference to the Ajai, but on the other side of the railway lines nothing has been done. Last year when I moved a resolution, I was told by the Hon'ble Mr. Cumming, the Member in charge, and hopes were held out, that provision would be made in the budget which would prevent anything less than abnormal floods and that the whole area would be protected. I then, as I do now, refer to the areas in the Ketugram and Majogram thanas ; but at the same time, as stated by Government, and from operations carried out, I submit that these two areas are not included in those operations. The embankments as well as the activities of the Public Works Department are confined from Sagarputul to Bagshi Bazaar and on the other side of the railway lines from Bhedia down to these two thanas. These two areas have suffered from the effects of the flood for over 30 years. I am not speaking of the abnormal floods of 1916-17, or even of the floods of 1913. The fact is that these floods were of an abnormal character, accompanied with loss of life and cattle. The attention of the Government was drawn to that and gratuitous relief was given and the whole question came into consideration. But in these two areas, the abnormal condition is such that for

30 years his area has had no rice crop. If the people have lived and managed to live for so long, it is due to other crops, meagre crops no doubt, which they got from their land. I am told by some people that the proper course would be for these people to give up their land, but in an agricultural country, especially in a purely agricultural district like Burdwan, it is very hard for the people to give up their lands. They live in hope and expectation. Even if they part with their land, what are they going to do? Their position is very miserable and so I have to bring this motion forward every year The position of Ketugram is very peculiar. There is only one breach at Chandkhali which, if properly looked after and repaired, would protect the whole area. In Mongolkote thana there are only two breaches on the banks of the river which once repaired the whole area would be protected. Damages caused by the overflowing of the Ajai river near Kunur have been made good by the measures taken by the Public Works Department, and that portion is safe now. So far as I have been able to ascertain we are now protected to a very great extent from abnormal floods of the kind which we had in 1916-17, but unfortunately the embankments on the banks of the river which has caused damage to the rice crop are still there throughout the whole area, and this area is not small. I want it to be clearly understood that I do not want either any embankments to be made on the Ajai, or any protection of that nature, but simply to see that the breaches caused on the Ajai on account of certain breaches above the river are repaired. I have been told that they are zemindari embankments, and therefore Government are not responsible for their repair or maintenance, but even if they are zemindari embankments, where are the people to go for protection? I do not know. I do not know who is to do these repairs—either the Government or the zemindars. I have been told that the Raj contributes some amount of money to Government for the upkeep of these embankments—the Burdwan Raj is the zemindar of the entire area. I have heard it said that there are some embankments made on this side of the river. These embankments were made by the indigo-planters and not by the zemindars; they used to keep them repaired and since they left the land, there have been breaches in the banks of the river and the result is that great damage is caused to the rice crop and the land round about is damaged by the sand deposited there. It affects sanitation as well because the water that flows in cannot get out and it stagnates. We have been assured, and that assurance gives me hope, that something will be done to mitigate the effect of the floods in these two areas. I hope and trust that Government will be pleased to expedite action, and that effect will be given to it. The cost is very small as I have ascertained. I do not think there can be any engineering or scientific difficulty in the matter, because when the indigo-planters were there no damage was done either to the east side or to any other portion. If these three breaches are repaired, one at Chandkhali, another at Ketugram and the other at Nowpara and Mejgaon, the whole area will be protected from the effects of normal floods as well as from abnormal floods.

With these words I commend this resolution to the Government as well as to this Council."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said:—

"My Lord, I beg to support this resolution. For the last two years letters have been written to me as the representative of the District Boards in the Burdwan Division to move in this matter in the Council. As I have no experience of the locality, I thought over the matter, and considered it necessary that I should not lose the opportunity of giving my humble support to the resolution. It has a limited scope. It speaks for itself. The object is to protect the areas in question from damage caused by the normal floods of the river. Therefore, I support this resolution."

The Hon'ble Mr. Cumming said :—

"Sir, it is somewhat difficult to deal with a resolution of this kind which requires a geographical knowledge which all the Members of Council do not possess ; and it is desirable to deal more definitely than the Hon'ble Member has done with the question of policy which his proposal involves. Put shortly, the position is this ; there is a river with a steep gradient, in parts upwards of seven feet a mile, which comes down and passes under the East Indian Railway bridge on the loop line, and after some distance joins the Bhagirathi river. There are four Government embankments which, under the Embankment Act, Government are bound to maintain—three on the west side of this railway bridge, and one on the east side. It is to the east side of the railway bridge to which the Hon'ble Member has directed the attention of the Council.

Last year it was stated that Government on the advice of their engineers would do something on the west side of this railway bridge, by the creation of an escape for excessive floods, and by the provision of a repaired embankment to keep normal floods under control, to alleviate the circumstances of any flooding of the whole area on both sides of the railway. I am glad the Hon'ble Member is prepared to recognise that Government in this respect are doing good ; and that when this work which will be finished in the ensuing year is completed something definite will have been done. But the Hon'ble Member goes further and says something more should be done to mitigate the effects of the inundation, and he has invited the attention of Government to two breaches which he desires should be filled up. I may say at once that an enquiry will be made regarding these particular breaches, but he seems to be under a misapprehension as to the policy of Government regarding the treatment of the land on the banks of the Ajai river.

Now, Sir, a question of this kind must have a history ; and this question has a history, a very definite history, a recorded history of at least 80 years. If the Hon'ble Member means that the Ajai river between the East Indian Railway and the Bhagirathi should be confined by means of embankments within a fixed course, then I say that the engineers of Government who are experts in the matter have advised against this in 1836, 1858, 1883 and in 1916, and possibly on other occasions of which I have no immediate record. If the Hon'ble Member means that small minor breaches should be put in order in embankments which are at present under zemindari control, then, as I have said, that matter will be examined ; but if he means that the whole length of the river is to be kept in confined limits, then I say he is fighting against nature, and he is asking Government to reproduce the same conditions as those which exist on the Damodar river. Now what is the example of the Damodar river ? The example there is that on account of the embankment the level of the bed of the river has been gradually raised and the natural spill of the river has been impeded. It is of course very easy to obtain some respite perhaps for a few years ; but the consequential harm in the raising of the level of the bed of a stream of this nature, and the damage caused when its embankments do break, are greater than if no measures had been taken at all. It is, I declare, a short-sighted policy which, as the experience and the advice of our professional advisers over this long period have shown, should not be adopted. It gives a temporary relief, but causes still greater damage ; nay more, it may be that any further prevention of the spill in places where there is at present a spill, may cause harm in places where even now excessive damage is not done by normal floods. Of course, there is the still further possibility that, if the river is kept confined within a definite channel, an abnormal flood may come and the embankment may give way, and then the damage done will be still greater than ever. This policy was announced by my predecessor who was in charge of this department, the Hon'ble Sir Nicholas

Beatson-Bell; and he pointed out that what was required in the matter of zemindari embankments was the entire removal of all such embankments. I can therefore only say with reference to this resolution that regarding the individual points which he has raised, Government are prepared to examine them further—he has not previously brought them to the notice of the Public Works Department—but if his intention is by confining the river channel to reproduce the circumstances which are found to-day in the Damodar river, Government cannot possibly accede to such a proposition. In view of these remarks, I would ask him whether he will be prepared to withdraw his resolution."

The Hon'ble Sir Deba Prasad Sarbadhikari said:—

"I should have thought Government would be prepared to accept the recommendation contained in this resolution. The resolution does not seek to commit Government to any definite measure; it merely asks that early steps may be taken. What those steps may be the Hon'ble Member has indicated and Government have been good enough to promise an inquiry. If the case was so hopeless as some of the observations of the Hon'ble Mr. Cumming would indicate, it would be difficult to see what good there would be in having any inquiry into the matter at all. So far as the recommendations themselves are concerned, there is no question of large policy, but suggestions for relief at certain points are all that he has indicated. I should have thought that more vigorous steps should have been taken for relief to the areas affected by the Ajoy and Damodar floods now that public opinion has been making itself felt as strongly as possible. Within the last few days I had an opportunity of going over some of the tracts in that part of the country, particularly the area flooded by the Damodar. The need for special action is imperative. Government have been good enough to begin some relief measures and all whom I had the opportunity of consulting were unanimous that they will bring temporary relief undoubtedly, but whether such relief will have the disastrous results that the Hon'ble Mr. Cumming apprehends is what the ordinary people cannot possibly express an opinion upon. It is remarkable, Sir, while in much smaller countries with much smaller problems, they have been able, sufficiently and completely, to grapple with the situation, we, with our comparatively larger resources—though not as large as they ought to be—have not been able to make any impression upon what is certainly a great public inconvenience and worse, a great public danger. We have indication, Sir, as to how the mischief arose. The railway bridge came, the gradient of the river was there; and those who constructed the bridge must have known what they were bargaining for. It is no good however quarrelling with the past, but what is possible now and what ought to be done is for the Government to decide on a course and then pursue it. Reference has been made to what was done at the time that the indigo-planters were there—I am glad the Hon'ble Maulvi Sahib has been able to put in a good word for them—surely we can do now what they were able to do then. The bridge was there and questions of 'policy' were also there, and yet it was possible then to give relief. There has been no material change in the river gradient or in the physical circumstances of the country. It is difficult enough to get a scheme; it is still more difficult when you have got a scheme to push it through vigorously. We must draw the attention of the Government and of the Council to the need of the relief measures, and if any have already been decided on, they should be pushed forward with as great vigour as possible. The Bakshikhal and Hoorhook Khal schemes, I am told, cannot be pushed forward for want of good dredgers. Our Government have been in communication with the Government of India, not however to much immediate purpose; here we have got some relief measures decided on, but they cannot be completed—not for want of funds, but for want of appliances that are lying idle elsewhere and that ought to be available for our purposes as soon as possible. We trust

and beg that immediate attention of the Government may be drawn to this supreme necessity and of pushing on the Howrah-Vishnupur Chord Scheme. In the same way the Ajai relief work which this resolution asks for is possible without unduly interfering with the question of policy and of protecting railway embankments. I do hope—whether this resolution is withdrawn or pressed and meets with the usual fate—the inquiry which Government have promised will lead to relief."

The Hon'ble Maulvi Abul Kasem said:—

"Sir, I am thankful to the Hon'ble Member in charge for the hope held out this time that an inquiry will be made into my complaint. I can assure him that it was never my intention, nor of the people whom I represent, that an embankment should be made all along the river from the railway lines up to where it meets the Bhagirathi, nor do we want the river to flow through a particular channel. What I really suggested, and what I meant was that the breaches on the banks of the river, not the embankments, should be repaired, and that on account of the embankments being made, there have been certain breaches on the banks of the river, and that these should be repaired. True it is that the repairs made to the scheduled embankments will protect a large area, but these repairs of those scheduled embankments will cause a greater rush of water through these breaches if they are not repaired in time. The areas mentioned are not really small areas, but they are very unfortunately situated because they are far away from the railway lines, and on account of the floods there can be no roads or public thoroughfares and it is impossible for a motor-car to go into them, and so these roads and those breaches are not visited or seen by high officials or responsible members of Government. However I am grateful that a hope has been held out that an inquiry will be made, and I am sure that the case is such that if an inquiry is made by a responsible officer, and his recommendations are accepted, our grievances will be removed. However, I hope something will be done, especially as the Hon'ble Sir Deba Prasad Sarbadhikari has pointed out that there is no definite demand in my resolution. We only want some protection and mitigation of the effects of the Ajai flood. It would not be to the credit of the Public Works Department if in a small river like the Ajai and the small breaches mentioned their engineering skill cannot provide a remedy. With these words I beg to withdraw my resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 16.

The Hon'ble Maulvi Abul Kasem was to have moved the following resolution :—

This Council recommends to the Governor in Council that early steps be taken to establish a city Civil Court at Calcutta.

He said :—

"Sir, in the first place I beg to ask that I may be permitted to withdraw the resolution that stands in my name. The resolution has not been properly worded, and the amendments which were sent in have been declared to be out of order, so I do not think any good purpose will be served by moving this resolution, especially as some time back we passed a similar resolution in

Maulvi Abul Kasem.

this Council. My object in giving notice of this resolution was only to expedite the work of giving effect to the former resolution. I beg to withdraw it, especially as the Government, in reply to a question put this morning, have been pleased to declare that no effect will be given to the former resolution."

The resolution was then, by leave of the President, withdrawn.

ADJOURNMENT.

The Council was then adjourned to Saturday, the 13th March, 1920, at 11 A.M., at Government House, Calcutta.

J. F. GRAHAM,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.

CALCUTTA;
The 15th March, 1920.

B. S. Press—26-3-1920—4609J—350—W. C.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Saturday, the 13th March, 1920, at 11 A.M.

Present:

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble SIR CHARLES STEVENSON-MOORE, K.C.I.E., C.V.O.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. F. J. MONAHAN.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble MR. S. W. GOODE.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DAULA AMIR-UL-OMRAH NAWAB SIR ASIF QADR SAIYID WASIF 'ALI MIRZA KHAN BAHADUR MAHABAT JANG, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble Mr. C. D. M. HINDLEY.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. M. CATHCART.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.I

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. R. M. WATSON SMYTH.

The Hon'ble MR. W. O. GRAZEBROOK.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble Mr. G. A. BAYLEY.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

UNVEILING OF LORD CARMICHAEL'S PORTRAIT.

The Hon'ble the Maharajadhiraja Bahadur of Burdwan, in requesting His Excellency to unveil Lord Carmichael's portrait, said :—

"My Lord, when, early in December, 1916, the announcement was made regarding Your Excellency's appointment as successor to Lord Carmichael, I consulted the non-official Members of the Bengal Legislative Council, being myself a non-official then, about a suitable memorial to Lord Carmichael, and the suggestion of having a portrait to be subscribed for by the non-official Members of Council for the Council Chamber met with hearty approval. Lord Carmichael was then approached. His Lordship readily gave his consent to our wishes. The question of having the portrait painted either in India or in England was left to the decision of his Lordship, who preferred to commission an artist on his impending return to England. The European war, which has retarded the progress of many things, has also stood in the way of earlier realization of the affectionate regard that we, the non-official Members of Council, held for our then President and Governor; for among the notable artists in England there were few who could be induced to take up a new work at a time when they were busy doing posthumous portraits of men killed in the war. However, we heard in September, 1918, that Lord Carmichael's portrait was well in hand, the artist eventually selected being Mr. Fiddes Watt, whom Lord Carmichael considered best suited for the purpose. In October, 1919, Mr. Goarlay from England informed me of the completion of the portrait, which he had seen and which was being shipped for Calcutta. This is the portrait which I am going to request Your Excellency now to unveil."

His Excellency Lord Ronaldshay said :—

"I need hardly say that it gives me the greatest pleasure and satisfaction to accede to the request which has just been made to me to unveil this portrait.

The portrait, as the Maharaja has mentioned, has been presented by the non-official Members of the Legislative Council as a token of their affection and regard for Lord Carmichael. It is perhaps too early to form any final estimate of the value of Lord Carmichael's administration. His five years were years of a strenuous character, when there were many problems to face within his own sphere of jurisdiction, while nearly the whole of that period suffered from the disadvantage that it was overshadowed by the great convulsion outside, which was shaking to its very foundations the complex structure of civilization which laboriously and for so many centuries humanity had been building up. But though we at the present time are too close to the five years of Lord Carmichael's administration to judge of them in true perspective—that must be left for the historian of the future—yet we can say without fear of contradiction that Lord Carmichael's administration will, for all time, stand as a landmark in the history of Bengal. Lord Carmichael was appointed to inaugurate a new regime. His appointment itself was the outcome of sweeping changes. There had been the annulment of the partition of Bengal; there had been the removal of the capital from Calcutta; there had been the elevation of the province to the status of a presidency and the creation of Government by a Governor in Council in place of Government by a Lieutenant-Governor in Council. It would be idle to pretend that these changes met with universal approbation. There were many persons connected with Eastern Bengal who felt that they were losing much that had been theirs when Eastern Bengal was a separate province. There were many who resented deeply the removal of the capital of India from this city. Lord Carmichael possessed precisely those qualities which were required to meet the situation with which he was faced. There will be few, I think, who will

deny that with his extraordinary patience and accessibility, his geniality, his tact, his kindliness and his shrewd capacity derived perhaps from his ancestry, for probing to the heart of the problems with which he was faced, he achieved a measure of success which perhaps few men in his position could have achieved in pouring balm upon many a smarting wound. These same qualifications enabled him to achieve a striking measure of success in another direction, success to which I, as his successor, can testify with profound gratitude and satisfaction. I refer to his success in bringing men of all classes, of all creeds and of all communities to a better understanding of one another's points of view. And if I might, perhaps, touch for one moment upon a more personal aspect, I would say that Lord Carmichael made many friends amongst all communities in Bengal. There can be few members of this Council, I should imagine, who have not enjoyed the privilege and the advantage not only of his friendship, but also of his kindly and sound advice, and I think I may say without hesitation that when at the close of five strenuous years of office, at a time, as I have pointed out, of great difficulty, he left this country, he did so without leaving a single enemy behind. That is a great success for any man in Lord Carmichael's position to have won. Now it only remains for me to express my satisfaction at having been invited to perform the ceremony of unveiling this protrait. It is eminently fitting that as the first Governor of Bengal his protrait should hang in the Bengal Legislative Council Chamber. I have seen the portrait and it may be, perhaps, that many of you will miss the kindly and humorous twinkle of the eye which, I am sure, you constantly noticed in Lord Carmichael in the flesh; but with that one possible defect I believe the portrait will be regarded as a good likeness of the late Governor of this presidency, and one which the members of this Council will be proud to have hung upon its Chamber's walls."

The portrait was then unveiled.

LIST OF BUSINESS—ITEM No. 1.

OATH OF ALLEGIANCE.

The Hon'ble Mr. Hindley made an oath of his allegiance to the Crown.

LIST OF BUSINESS—ITEM No. 2.

STARRED QUESTIONS.

The following starred question was asked and answer given :—

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***1.**

Bequest of Babu Becharam Lahiri and the Santipur Municipality.

(*a*) Is it a fact that Babu Becharam Lahiri made over a sum of Rs. 10,000, on behalf of a relative of his, to His Excellency Lord Carmichael in honour of His Excellency's visit to Krishnagar in August, 1915, with a request that the amount may be devoted to a public purpose?

(*b*) Is it a fact that the said amount was made over by His Excellency to the Santipur Municipality on condition that the Municipality would build a female room in the Municipal Hospital and provide a lady doctor, in the place of the midwife, and that the Municipality accepted the donation on the said conditions?

(*c*) Is it a fact that the Municipality has not fulfilled the said conditions?

(*d*) Have the Government ascertained why the said Municipality has not fulfilled the said conditions during the last 4 years, and whether they have utilized the said sum for any other purpose?

(*e*) Is it a fact that the Chairman of the Santipur Municipality appointed a lady doctor for a few months only?

(*f*) Is it also a fact that the new Chairman has neither appointed a midwife nor a lady doctor and that the male doctor in charge of the Hospital was given some allowance for looking after female patients and that only for some months?

(*g*) Are the Government considering the desirability of taking such steps in the matter as they may consider fit to compel the Santipur Municipality to fulfil their obligations in this matter?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) A statement giving the information asked for is laid on the table.

(*g*) It does not appear to be a matter calling for Government intervention."

Statement referred to in the answer to question No. 1 (starred) asked on the 13th March, 1920.

(*a*) Yes.

(*b*) The donation was made over by His Excellency Lord Carmichael to the Santipur Municipality, and the Municipality accepted it for the construction of a female ward in the Municipal Hospital and for the appointment of a lady doctor subject to the condition that if the interest did not cover the full pay of the lady doctor, the maximum of which was fixed at Rs. 50 a month, the deficit would be met from the municipal fund.

(*c*) According to the information received by Government, out of 3½ per cent. G.P. notes for Rs. 10,000, G.P. notes of the face value of Rs. 3,000 which were set apart by the donor for the construction of a female ward were cashed for Rs. 2,837-2-3. Owing to the rise of the price of materials the estimated cost of the ward exceeded this amount, and at a meeting of the Santipur Municipal Dispensary Committee it was resolved that the construction of the ward be postponed till prices came down.

A lady doctor was appointed on 15th June, 1916, on a salary of Rs. 50 per mensem, but resigned her appointment on 5th May, 1917. Repeated efforts were made to secure another lady doctor, but failed as lady doctors could not be obtained for less than Rs. 80 a month. The monthly income from the interest of the money given for the purpose was only Rs. 19 a month and the Municipality was unable to pay the extra amount required to obtain the services of a lady doctor. It was therefore suggested to the donor either that he should make a further donation or that the Municipality should be permitted to utilise the interest of the money for entertaining a passed and fully trained midwife in place of the lady doctor. The donor did not agree to either proposal and asked for the refund of the money on 10th July, 1919. It was then resolved at a meeting of the Municipal Dispensary Committee held on 18th September, 1919, that the G.P. notes for Rs. 7,000 should be returned to the donor and a competent midwife appointed for the dispensary. Subsequently Babu Becharam Lahiri told the Subdivisional Officer that he would interview the donor at Benares and ascertain from him whether the money could be utilised for the pay of a midwife. The money has not been refunded pending a final reply from the donor. The G.P. notes for Rs. 7,000 are in the custody of the Accountant General, Bengal.

(*d*) From the inquiries made by Government it does not appear that the Municipality has utilised the money for any other purpose.

(*e*) As already stated, a lady doctor was appointed from 15th June, 1916, to 15th May, 1917.

(*f*) No midwife has been appointed up to the present, as the Municipality did not consider it desirable to do so while the appointment of a lady doctor was in contemplation. As it has now been decided that the Municipality cannot afford to maintain a lady doctor, budget provision has been made for the appointment of a midwife from April next. It is a fact that the male doctor in charge of the hospital was given an allowance of Rs. 10 per month for a period of seven months. The payment was discontinued as the Auditor objected to it.

UNSTARRED QUESTIONS.

The answers to the following unstarred questions were laid on the table :—

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

1.

Alleged incident in the Civil Court of the Munsif of Netrokona.

(*a*) Are the Government aware that on the 11th July, 1919, Babu Satish Chandra Sen, then a Munsif of Netrokona in the district of Mymensingh, openly abused Babu Jnanendra Chandra Ganguly, officiating nazir of the local Civil Court, and threatened him with assault?

(*b*) Are the Government aware that as a result of the said incident a criminal case under sections 500, 504 and 352, I. P. C., was instituted by the said nazir against Babus Satish Chandra Sen and Suresh Chandra Sen, two of the Munsifs of Netrokona?

(*c*) Are the Government aware that the said case was subsequently withdrawn by the complainant at the instance of Mr. D P. Bagchi, the then District Judge, who promised to inquire into the matter personally?

(*d*) Will the Government be pleased to state whether any inquiry was made into the matter and, if so, by whom and with what result?

(*e*) Was the inquiry, if held at all, public and on evidence recorded?

(*f*) If the allegations made in the nazir's petition of complaint have been found on inquiry to be true, what steps (if any) have been taken in the matter?

(*g*) Is it a fact that since April, 1919, one Sarat Chandra Sil, an officiating peon attached to the Civil Court of Netrokona, has been living in the house of the said Babu Satish Chandra Sen and was serving as a menial there?

(*h*) Is it a fact that the said peon was not entrusted with any *parwana* for service in the *mufussal* up to June, 1919?

(*i*) Is it a fact that Babu Satish Chandra Sen asked the said nazir to take back some *parwanas* which he had entrusted to Sarat Chandra Sil for service in the *mufussal* in July, 1919?

(*j*) Is it a fact that the above incident, referred to in clause (*a*), arose out of a report submitted by the nazir regarding the said peon on his returning the said *parwanas* on the pretext of illness?

(*k*) Is it a fact that in August, 1919, 4 sheristadars, 1 nazir and 1 accountant of Netrokona were simultaneously censured and transferred on the report of the two Munsifs referred to in clause (*b*) without any explanation being called for from them?

(*l*) Is it a fact that one of the Munsif's sheristadars filed an application to the District Judge on the 11th August, 1919, making certain serious allegations against Babu Ananda Hari Bysack, sheristadar, District Judge's Court, Mymensingh, and prayed for a personal inquiry by the District Judge and for a hearing?

(*m*) Was any inquiry made and was any hearing given to him by the District Judge?

(*n*) If not, what was the reason for the District Judge not granting his prayer?

Answer by the Hon'ble Mr. Roy:—

"(*a*) Babu Satish Chandra Sen severely rebuked Babu Jnanendra Chandra Ganguly for falsely reporting that he did not allow an officiating peon, Sarat Chandra Sil, who had formerly been his servant, to go into the *mufussal* with processes. He did not threaten him with assault.

(*b*) Yes.

(*c*) Babu Jnanendra Chandra Ganguly, after an interview with Mr. Bagchi, realised that he was in the wrong and withdrew the case. Mr. Bagchi did not promise to enquire into the matter personally

(*d*) Mr. Bagchi called for a report from Babu Suresh Chandra Sen, First Munsif. On receipt of this report, a committee consisting of the three Subordinate Judges of Mymensingh was formed by Mr. Hogg, who had succeeded Mr. Bagchi as District Judge, to consider the report and also a report which had been sent in by the Fourth Munsif, Babu Satish Chandra Sen. The findings of the committee were as follows:—

(1) That Babu Jnanendra Chandra Ganguly had no justification for bringing a criminal case against the Munsif, Babu Suresh Chandra Sen.

(2) That Babu Satish Chandra Sen rebuked Babu Jnanendra Chandra Ganguly under provocation.

(3) That the statement that the officiating peon, Sarat Chandra Sil, was to any degree exempted from serving processes was untrue

(4) That the case was instigated by the amla and peons of the Netrokona munsifi who had formed a clique to frustrate the reforms which were being introduced by Babu Suresh Chandra Sen assisted by Babu Satish Chandra Sen

(*e*) The inquiry was departmental. Evidence was not recorded

(*f*) Does not arise.

(*g*) Sarat Chandra Sil was a servant of and lived in the house of Babu Satish Chandra Sen. He was not in the Munsif's service while officiating as a peon.

(*h*) No.

(*i*) No.

(*j*) Does not arise.

(*k*) According to the recommendations of the committee above referred to, the District Judge censured the ministerial staff of the munsifi and transferred the leaders of the clique, viz., the four sheristadars, the nazir, the naib nazir and the accountant. The District Judge, after taking an explanation from Babu Jnanendra Chandra Ganguly, punished him.

(*l*) An application for a personal inquiry by the District Judge into the above occurrence was made to the District Judge on the 10th August, 1919, by Babu Mohini Mohan Dhar, a sheristadar of the Munsif's Court, Netrokona. The application contained allegations against Babu Ananda Hari Bysack, sheristadar of the District Judge's Court.

(*m*) and (*n*) The District Judge considered that the allegations made against Babu Ananda Hari Bysack were vague and that no action was necessary. The application, in so far as it dealt with the occurrence between the Munsif and the nazir, was dealt with by the committee. Further inquiry was considered unnecessary."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

2.

The sheristadar of the District Judge's Court, Mymensingh.

(*a*) Will the Government be pleased to state what period has Babu Ananda Hari Bysack been the sheristadar of the District Judge's Court, Mymensingh?

(*b*) Is it a fact that since 1917, one son-in-law of his, an ordinary graduate of the University, has been taken as Sub-Judge's sheristadar on Rs. 70 and another son-in-law and a nephew have been taken as paid probationers and some other relations have been taken as copyists?

(*c*) Is it a fact that as a general rule senior and qualified ministerial officers are appointed to the post of sheristadar of Sub-Judges' Courts?

(*d*) Will the Government be pleased to state whether there is any precedent for appointing an outsider as Sub-Judge's sheristadar in supersession of the claims of the senior and qualified officers in the service as was done in the case referred to in clause (*b*)?

(*e*) Were any applications invited from outsiders for the post referred to in clause (*b*)?

(*f*) If not, was there any special reason for adopting the special course followed in the present case?

(*g*) Is it a fact that there are only three posts intervening between the sheristadars, District Judge's Court, and the grade of the sheristadars of the Sub-Judge's Court in the district of Mymensingh?

(*h*) Will the Government be pleased to furnish a list of relations and dependants of the sheristadars in the Civil Courts in the district of Mymensingh and the place where they are posted?

Answer by the Hon'ble Mr. Roy:—

"(*a*) From 1906.

(*b*) A son-in-law of Babu Ananda Hari Bysack was appointed sheristadar in the Sub-Judge's Court, Mymensingh, in 1917. Another son-in-law is a paid probationer in the Munsif's Court at Sadar. One of his nephews is a clerk in the Munsif's Court at Jamalpur. He has no relations among the copyists.

(*c*) Yes, ordinarily.

(*d*) There are other instances in which outsiders have been appointed to the post of sheristadar of a Sub-Judge's Court. The rules provide that the appointment should be made by selection and not merely by seniority.

(*e*) Yes.

(*f*) Does not arise.

(*g*) No. The post of Sub-Judge's sheristadar on Rs. 70 is in grade V. There are seven posts in grade V and four posts in grades I to IV.

(*h*) A list of the relations of the sheristadars of the Civil Courts in the district of Mymensingh and the places where they are posted is laid on the table. The information is not available regarding their dependants."

List referred to in answer to Question No. 2 (unstarred) of the 13th March, 1920.

List of relations of the serishtadars of the Civil Courts in the district of Mymensingh.

Name of relation of serishtadar.	Place where employed	Name of serishtadar to whom related	REMARKS
1.[c] Krishna Kant Bysak ...	3rd Sub-Judge's Court ...	Ananda Hari Bysak.	
2. Sudhangshu Bhusan Sen.	Peshkar, Judge's Court ...	Ashutosh Sen Gupta	
3.* Krishna Prosad Bysak (*a*)	2nd Munsifi Court, Sadar ...	Ananda Hari Bysak ...	(*a*) Entered service at Mymensingh in 1895 (before K. K. Bysak joined in 1906)
4. Chinta Haran Banarji	1st Munsifi Court, Baptpur	Ram Krishna Ganguly	
5. Jogendra Nath Chakrabatti.	Munsifi Court, Jamalpur ...	Gobinda Chandra Mazumdar	
6. Satis Chandra Mazumdar.	Ditto, Kishoreganj	Ditto	
7. Bimala Prosanna Sen	Judge's Court ...	Ashutosh Sen Gupta	
8. Bipin Behari Ray ...	Ditto ...	Biswa Nath Mazumdar.	
9. Jogendra Nath Gupta	Munsifi Court, Tangail ...	Abhoy Krishna Bose	
10. Krishna Nath Mazumdar.	Judge's Court ...	Gobinda Chandra Mazumdar	
11. Nalini Mohan Dhar ...	Munsifi Court, Sherpur ...	Mohini Mohan Dhar	
12. Matindra Chandra Mazumdar	Judge's Court ...	Upendra Chandra Mazumdar	
13. Sudhangshu Bhusan Ray.	Munsifi Court Netrakona	Ashutosh Sen Gupta	
14. Jogesh Chandra Talukdar.	Ditto, Iswarganj	Lal Mohan Ghose.	
15. Amulya Charan Ganguly.	Judge's Court ...	Ram Krishna Ganguly.	
16.[b] Suresh Chandra Bysak.	Munsifi Court, Jamalpur	Ananda Hari Bysak.	
17. Hem Chandra Mukherji.	Ditto, Bajitpur ...	Rasik Chandra Mukherji.	
18.[c] Gour Gopal Bysak ...	Ditto, Sadar ...	Ananda Hari Bysak.	

* NOTE.—It is to be noted that none of these officers are working directly under Ananda Hari Bysak

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

3.

Will the Government be pleased to state—

(*i*) the total amount spent annually in the Civil Courts in the district of Mymensingh for the purchase of furniture during the years 1911 to 1918;

(*ii*) what amount, if any, was paid to Babu R. N. Bysack of Dacca, son-in-law of Babu Ananda Hari Bysack, sheristadar, Judge's Court, Mymensingh, on account of furniture; and

(*iii*) what amount was paid to local contractors on the same account?

Purchase of furniture for the Civil Courts in the district of Mymensingh.

Answer by the Hon'ble Mr. Roy:—

"(*i*) Approximately Rs. 700 on an average.

(*ii*) Approximately Rs. 400 on an average was paid to the firm of R. N. Bysack and Brothers, Dacca.

(*iii*) Nothing was paid to contractors, but other firms were paid Rs. 300 approximately on an average."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

4.

Financial Relations Committee

(*a*) Is it a fact that a committee, popularly known as the Meston Committee, sat in Calcutta in February last in order to inquire into the question of the future financial relations between the Central and Provincial Governments?

(*b*) Is it a fact that various public bodies were asked to send representatives to be examined as witnesses before the said Committee?

(*c*) Will the Government be pleased to state the names of the public bodies which were selected to nominate representatives to be examined as witnesses?

(*d*) Will the Government be pleased to state the considerations which guided them in selecting the public bodies which were asked to send representatives?

(*e*) Will the Government be pleased to state whether the Bengal Presidency Muslim League was asked to send representatives; if not, why not?

(*f*) Will the Government be pleased to state in detail what steps were taken to ascertain Muhammadan opinion on the questions involved?

Answer by the Hon'ble Mr. Marr:—

"(*a*) Yes.

(*b*) Yes.

(*c*) The following public bodies were consulted:—

(1) Bengal Chamber of Commerce.
(2) Calcutta Trades Association.
(3) Bengal National Chamber of Commerce.
(4) Marwari Association.
(5) British Indian Association.
(6) Indian Association.
(7) National Central Muhammadan Association.
(8) Bengal Landholders' Association
(9) National Liberal League.

The Bengal Mahajan Sabha also submitted a representation, copy of which was forwarded to the Committee

(*d*) The time given was very short, and it was considered sufficient to consult one representative body of each class of the community

(*e*) No. See answer to (*d*)

(*f*) The Central National Muhammadan Association was consulted."

By the Hon'ble Khan Sahib Aman Ali:—

5.

(*a*) Will the Government be pleased to state the number of students (both Hindus and Muhammadans) reading in the Chittagong College in the years 1916-17, 1917-18, 1918-19 and 1919-20? The Chitt College

(*b*) Are the Government aware that the necessity has been felt in that College for another Arabic and Persian Professor or a Lecturer?

(*c*) Are the Government aware that the hostel accommodation in the College for Muhammadan boys is very inadequate?

(*d*) Will the Government be pleased to state in a tabular form the number of students, Hindus, Muhammadans Buddhists and Christians, that were sent up from the Chittagong College for the B.A., B.Sc. and I.A., I.Sc. Examinations and the numbers that came out successful in those examinations, for the last four years?

(*e*) How many students, Muhammadans, Hindus, Buddhists and Christians, were refused admission into the Chittagong College last year?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) A statement (A) is laid on the table

(*b*) Yes An additional lecturer on the subject will be appointed from 1st April, 1920.

(*c*) There is a hostel for Muhammadan students with accommodation for 22 students Government are aware that this does not meet all demands, and they therefore sanctioned in December, 1919, the hiring of a house at Rs. 60 per month in order to provide extra accommodation There is a scheme for the construction of a new hostel accommodating 50 students, but there is no likelihood of this scheme being carried through at an early date Proposals are being called for from the Principal, which it is hoped will enable the existing needs to be met

(*d*) A statement (B) is laid on the table

(*e*) A statement (C) is laid on the table"

Statement referred to in the answer to clause (a) of question No. 5 (unstarred) asked on the 13th March, 1920.

A

Statement showing the number of students in the Chittagong College.

—	Hindus.	Muhammadans.	Others.	Total
1916-17	191	75	9	275
1917-18	198	93	20	311
1918-19	237	115	18	370
* On the 31st January, 1920 ...	277	128	23	428

**N.B.*—As the year 1919-20 has not yet ended the number of students on the 31st January, 1920, has been furnished

Statement referred to in the answer to clause (d) of Question No. 5 (unstarred) asked on the 13th March, 1920.

B

Examination Results.

—			Number sent up.				Number passed.			
			Hindus.	Muhammadans	Buddhists	Christians	Hindus.	Muhammadans.	Buddhists.	Christians.
1916	B.A.	Pass ...	21	8	2	...	15	4	2	...
		Honours ...	...	...	1	...	...	...	1	...
	B. Sc.	Pass ...	5	...	...	...	3	...	...	...
		Honours ...	...	...	..	...	...	...	...	...
	I. A. ...	...	31	14	1	1	28	6	1	1
	I. Sc.	...	15	1	3	...	14	...	2	...
1917	B. A.	Pass ...	21	7	1	...	16	3	...	...
		Honours ...	...	1	...	...	...	1	...	...
	B. Sc	Pass ...	4	...	...	...	4	...	..	...
		Honours ...	2	...	...	...	2		...	...
	I. A. ...	...	28	13	2	...	27	10	...	...
	I. Sc. ...	...	17	3	1	...	16	2	1	...
1918	B. A.	Pass ...	24	11	1	1	17	5	1	...
		Honours	...	...	..	...	...	...	...	...
	B. Sc.	Pass ...	6	...	1	1	5	...	...	...
		Honours	...	...	...	...	...	...	...	...
	I. A. ...	...	27	26	4	...	19	16	1	...
	I. Sc. ...	...	19	2	...	1	15	2	...	...
1919	B. A.	Pass ...	28	18	...	...	14 (Includes one student who appeared in the Honours course, but passed in Pass course only.)	5	...	...
		Honours ...	2	1	1	...	1	1	...	...
	B. Sc.	Pass ...	4	..	1	...	3	...	...	...
		Honours ...	...	...	...	...	...	...	...	...
	I.A. ...	...	41	23	7	...	34	20	4	...
	I. Sc. ...	...	27	6	...	...	23	4	...	...

Statement referred to in the answer to clause (e) of Question No. 5 (unstarred) asked on the 13th March, 1920.

C

The number of students who were refused admission to the Chittagong College in 1919.

	Hindus	Muhammadans	Buddhists	Christians
1st year	128	60	9	Nil
2nd ,, ...	Nil	Nil	Nil	Nil
3rd ,, ...	42	15	Nil	Nil
4th ,, ...	7	3	Nil	Nil

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

6.

(*a*) Will the Government be pleased to state the age, qualifications and industrial knowledge of the Director of Industries? Director of Industries.

(*b*) What was his status and salary in the educational service?

(*c*) Was he enjoying any allowance or other privileges up to the end of 1919 besides the salaries mentioned in reply to Council question No. 24 (unstarred) of 3rd February last?

(*d*) Is it a fact that the Indian Munitions Board agreed to pay one third of the salary of the Director for his services as Controller of Munitions?

Answer by the Hon'ble Mr. Marr:—

"(*a*) Mr. Meek is 35 years of age. For his qualifications and industrial knowledge, the Hon'ble Member is referred to the reply given to question No. 17 (IV) put by the Hon'ble Babu Akhil Chandra Dutt at the meeting of Council on the 5th March 1920.

(*b*) The Hon'ble Member is referred to the replies given to paragraphs (*i*), (*ii*) and (*iii*) of the same question.

(*c*) (*i*) The post of Meteorologist, Calcutta carries rent-free quarters with it.

(*ii*) The use, in conjunction with other Munitions Board officers, of the Munitions Board motor car or, while a private motor car was maintained, an allowance of Rs. 150 per month.

(*d*) No."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

7.

(*a*) With reference to the recent *communiqué* issued by the Secretary to the Drugs Manufacture Committee in regard to the prospects of the manufacture of drugs from Indian medicinal plants on a commercial scale, have the Government any idea as to the extent of the possibilities of such manufacture in Bengal? Manufacture of drugs from Indian medicinal plants.

(*b*) What procedure do the said Committee propose to follow in carrying on their inquiries, so far as Bengal is concerned?

The Bengal Alluvial Lands Bill, 1920.

Mr. Cumming.

Answer by the Hon'ble Mr. Marr:—

"(*a*) One of the objects of the appointment of the Drugs Manufacture Committee was to investigate the possibilities of the manufacture of such drugs in India, and therefore in Bengal. Government are not therefore prepared to answer the question

(*b*) Government will afford every assistance to the Committee in the conduct of its investigation; and they have already permitted the Secretary to it to communicate direct with the Heads of Departments subordinate to this Government in matters concerned with its operations. Government have no further information regarding the procedure of the Committee."

LIST OF BUSINESS—ITEM No. 3.

LEGISLATIVE BUSINESS.

THE BENGAL ALLUVIAL LANDS BILL, 1920.

The Hon'ble Mr. Cumming moved that the Bengal Alluvial Lands Bill, 1920, be referred to a Select Committee consisting of the Hon'ble Mr. Stephenson, the Hon'ble Sir Charles Stevenson-Moore, the Hon'ble Mr. G. N. Roy, the Hon'ble Mr. McAlpin, the Hon'ble Mr. P. C. Mitter, the Hon'ble Babu Brojendra Kishor Ray Chaudhuri, the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy, the Hon'ble Rai Sri Nath Ray Bahadur and the mover, with instructions to submit their report in time for its presentation at the August meeting of the Council.

He said :—

"My Lord, at the last meeting of this Council I had the honour to introduce the Bengal Alluvial Lands Bill, 1920. It does not appear necessary on the present occasion to add anything further to what I said on that occasion as to the necessity for the proposed legislation. I therefore desire to move that the Bengal Alluvial Lands Bill, 1920, be referred to a Select Committee consisting of the Hon'ble Mr. Stephenson, the Hon'ble Sir Charles Stevenson-Moore, the Hon'ble Mr. G. N. Roy, the Hon'ble Mr. McAlpin, the Hon'ble Mr. P. C. Mitter, the Hon'ble Babu Brojendra Kishor Ray Chaudhuri, the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy, the Hon'ble Rai Sri Nath Ray Bahadur and myself. I should like to add that it is not contemplated that this Select Committee, if appointed, will sit before the first week of July next."

The motion was put and agreed to

LIST OF BUSINESS—ITEM No. 4.

THE REVISED FINANCIAL STATEMENT.

The Hon'ble Sir Henry Wheeler presented the Revised Financial Statement for Bengal for 1920-21.*

RESOLUTIONS.

APPENDIX TO THE LIST OF BUSINESS.

ITEM No. I.

The Hon'ble Babu Akhil Chandra Datta was to have moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 20,000 be provided in the coming year's budget for the improvement of the Comilla Hospital ; and

(*b*) that the said money be taken out of the sum of Rs. 3,00,000 provided for land acquisition for servants quarters of the Medical College or out of the sum of Rs. 2,75,000 provided for the land acquisition in connection with the hostel for the Medical College or partly from the former and partly from the latter.

The Hon'ble Member being absent, the resolution went by default and was deemed to have been withdrawn.

ITEM No. II.

The Hon'ble Rai Radha Charan Pal Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that the sum of Rs. 6,500 allotted for the training of pupil-*dais*, etc., under "24Ac—Medical" be raised to Rs. 15,000 and that Rs. 10,000 out of this amount be earmarked for the training of *dais* in some of the important districts of the Presidency ; and

(*b*) that the excess amount of Rs. 8,500 be met by a deduction from the grant of Rs. 3,00,000 for the land acquisition of Medical College servants' quarters.

* Not published in these proceedings.

Sir Henry Wheeler; Rai Radha Charan Pal Bahadur.

He said :—

"My Lord, it will be seen on reference to page 150 of the Civil Estimates that a sum of Rs. 6,500 is allotted for grants to pupil-*dais*, etc. I do not know what particular proportion of this amount is earmarked for the training of *dais*. It is well-known that one of the principal wants of this country is the provision of trained *dais*, for lack of which a large proportion of the infant mortality in this country is responsible. I do not wish to dilate much on this matter because this subject has been from time to time brought to the notice of Government not only in this Council but outside it. I am sure the importance of an adequate provision of trained *dais* is recognized by Government. I, therefore, move that this sum of Rs. 6,500 be raised to Rs. 15,000 and of this Rs. 10,000 be earmarked for the training of *dais* only. It would perhaps be useful to have a separate item in the budget showing the amount of money spent for the training of *dais*. At present the estimates do not clearly indicate to the public the expenditure under this head. I, therefore, hope that this suggestion will be taken into consideration by Your Excellency's Government."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I have no wish to underrate the importance of the object on which the Hon'ble Rai Radha Charan Pal Bahadur desires this money to be spent, but it is not necessary to make the provision which he recommends, since funds of sufficient amount have already been allotted in the budget for this purpose. He himself has noticed that there is an item of Rs. 6,500 in the budget, and this is spent on 20 stipends to pupil-nurses and 8 stipends to *dais* who are trained in the Eden Hospital attached to the Medical College. *Dais* are also trained at the Mitford Hospital at Dacca, and, I think, at the Dufferin Hospital also. Apart from that there is a provision in the budget of Rs. 30,000 under the general head of child-welfare, and although that is administered by the Sanitation Department, I am told by them that a large part of it will be spent on the training of *dais*. So much for the budget, and it will be seen that, in the aggregate, there are funds of something in the neighbourhood of Rs. 36,000, which, if thought desirable, could be applied to this purpose, even though the activities of the Child-welfare Committee will doubtless take other forms as well. I do not think therefore that there is any need to make a further provision of Rs. 10,000, and I could not agree to take away funds from the sum put aside for the acquisition of land for the servants' quarters at the Medical College, since without those servants' quarters we shall not be able to open the extensions of the hospital, including the Eden Hospital, which are in progress. Apart from the efforts of Government in this direction, I also find that money is given from the Victoria Memorial Scholarships Fund for the same purpose. Apparently it was spent in the beginning upon the training of indigenous *dais* at the Lady Dufferin, Howrah, Darjeeling and other hospitals, but the committee objected to its being spent on the training of *dais* on western lines, and the expenditure ceased, the money consequently being in deposit at the present moment in the Bank of Bengal. It seems to me that the position is unsatisfactory, and I will now look up the papers and see whether these funds can be made available. I would deprecate specially earmarking any more."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"In the first place I am pleased to hear that out of the Rs. 30,000 provided for child-welfare, a considerable portion will be spent for the training of *dais*. The civil estimates, which have been circulated to us, make no mention of any specific amount that will be spent out of this allotment, and, as far as I can gather from the Hon'ble Member's speech, he is also unable to vouchsafe

any definite information on this subject, but I hope that a considerable amount will be spent for the training of *dais*. I do not know if the Rs. 30,000 sanctioned for child-welfare is a recurring expenditure. My object in moving this resolution is to have a separate head in the civil estimates for the training of *dais*, so that we may have a recurring sum every year, and we may watch what sum is spent and now many *dais* are trained every year. In view of the fact that the matter has met with a sympathetic response from the Hon'ble Member, although he does not agree to the increase of Rs. 6,500 to Rs 10,000 as there is a provision of Rs. 30,000 for child-welfare from which any additional amount required for the training of *dais* may be met, I do not press my point. I hope that this item will be kept in view and, if possible, Government will be pleased to insert it in the civil estimates as the public take a keen interest in the matter. I beg leave to withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

ITEM No. III.

The Hon'ble Rai Radha Charan Pal Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 25,000 be earmarked for anti-malarial survey of the area in the vicinity of Calcutta ; and

(*b*) that the amount be met by the reduction of the provision of Rs. 1,00,000 for quinine under "24B—Sanitation".

He said :—

"This is a subject which has within the last few years been often pressed upon the attention of Government, and is now of much greater importance on account of the necessity now felt for the expansion of this city. It is well known that Calcutta is practically surrounded by a malarious zone, and that one of the chief causes of the congestion in the city is the unhealthy condition of the outskirts of Calcutta. Nothing can be done to improve these conditions especially in the area outside some of the suburban municipalities unless Government take some vigorous steps to eradicate malaria from those places. In the north, excluding only to a certain extent—I do not say the whole—Cossipore, Chitpur, beyond that Baranagar, Panihati, Khurda, Kamarhati, etc., and in fact the tract on the east side of Barrackpore Trunk Road and on both sides of the railway line, malaria prevails to such an extent that people are very unwilling to move there or even to live in their own homes in these places. Hundreds of residents of Calcutta come from that part of the country, being compelled to take their permanent abode in the city because they cannot live in their own homes under present conditions. As far as I gather from the report of the Sanitary Commissioner of Bengal, the death-rate from fever in some of the places north of Calcutta is appalling. For instance, at Titagarh out of 1,708 deaths I find 1,261 were from fever, at Panihati 101 out of 331, Dum Dum 155 out of 356. It will be seen, therefore, from the figures which I have quoted from the reports, and it will be admitted by all Hon'ble Members here present, that the state of things there is such that it will not be possible for people to go and reside there. I think therefore that the time has come for taking vigorous and active steps to rid this tract of country of malaria. If, my Lord, these places could be improved and if transport facilities—although this does not form part of the present resolution—were provided, I am sure a large number of the residents of Calcutta would be able to migrate there and take up permanent

residence there. This is a matter in which the municipalities cannot do much, but the Government have at their disposal a number of expert sanitary officers like the Sanitary Commissioner of Bengal to whom we cannot feel sufficiently grateful for all that he has been doing in connection with work connected with the malarial scourge. Having regard to the fact that he and his colleagues are expert officers, and are in a much better position to take up this work, I would submit to Your Excellency that provision should be made for this sum of Rs. 25,000 for the purpose of a survey of the tract of country in the vicinity of Calcutta. The sum may or may not be adequate, but, my Lord, I have not got any estimates before me, in fact the non-official Members labour under a great disadvantage because we cannot prepare estimates ourselves, nor is it possible for us to get these estimates from the Government department before we send in our resolutions for the consideration of the Council. My object in putting this motion is that a beginning may be made without delay from the ensuing year, and I am sure that if a further sum is required there will be plenty of savings during the current year under different heads, and Government will no doubt be pleased to make a further grant in order to meet this expenditure. With these words, my Lord, I beg to commend this resolution to the consideration of the Council."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I consider the question of an anti-malarial survey in the neighbourhood of Calcutta is one of the utmost importance. As has already been observed, it will help towards a solution of the housing problem for the rich and poor alike. My Lord, I feel that it is necessary to have a systematic investigation as to what steps should be taken to eradicate malaria, and the neighbourhood of Calcutta is eminently suited for a systematic investigation. The easy reach of the area from Calcutta will help the investigation. In the next place in the local population we have perhaps men of greater intelligence than we are likely to find in rural areas, and, lastly, I venture to think that it will pay all the municipalities concerned, the community generally and the Government if after proper investigation adequate and necessary steps be taken to eradicate malaria from these areas. But, my Lord, while I support the object of the resolution, I desire to state that I do not wish to identify myself with the proposal to take away Rs. 25,000 from the one lakh provided for quinine, but if the Government accept the substance of the resolution, I have no doubt that they will be able to find money for the purpose, for after all the money required will not be very much. With these words I desire to support the resolution."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I am sorry I cannot see my way to support this resolution. In the first place, the resolution, as it stands, is self-contradictory. My hon'ble friend wants Rs. 25,000 for a malarial survey, and he wants the money to be deducted from the expenditure on quinine, which is a necessary preventive for malaria and a cure for malaria itself. I think the idea is to spend the money particularly for areas within the vicinity of Calcutta to the neglect of the mufassal. I think there is no necessity for a resolution like this. Your Excellency's Government has been interested in the question of malaria, and if I may say so, Sir, the key-note of this Government from the start is to drive out malaria from this province, and the provision for quinine in the budget is for the same end which the Government have in view. Secondly, I think that a general survey of malaria has been made all over the province, and the Department of Sanitation is actively engaged in the work, and I think Calcutta and the suburbs will receive the same attention as the other

parts of the province. Unfortunately people of the metropolis on account of various difficulties with which they are confronted, especially difficulties of accommodation, are anxious to find out outlets for the removal of their grievances, and they think that the question of the grievances of Calcutta and the suburbs are of very much greater importance than the questions which affect rural areas in other parts of the presidency. I therefore, my Lord, beg to oppose this resolution."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I candidly confess that I do not like the idea of taking away a quarter of a lakh of rupees from the provision that we have made for the distribution of quinine in the province, nor do I like the idea that this should be the case when we know that there are worse places than the vicinity of Calcutta which suffer from malaria. But I have consulted the Sanitary Department and I find that this year we have provided very liberally for the grant of quinine, and if we were to accede to the Rai Bahadur's request, we would still have Rs. 25,000 more for the distribution of quinine than the amount we provided for in the present year's budget. I therefore, on behalf of Government, am prepared to accept the resolution."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have one explanation to offer. My object in suggesting a transfer of Rs. 25,000 from quinine was because I presumed that a certain sum of money would be required for this area out of this grant, and therefore that sum might be profitably employed for an anti-malarial survey.

As regards the Hon'ble Maulvi Abul Kasem's observations, I am rather surprised that my friend has raised, perhaps unwittingly, the question of the rivalry between Calcutta and its vicinity and other parts of the province. We are all interested in the welfare of Bengal as a whole, and therefore I have brought this motion for the improvement of a tract of country outside Calcutta, which is part of Bengal and which is peopled not by the original residents of this place, but very largely by people coming from distant parts of Burdwan, etc. My hon'ble friend will see from the Census Report that a large proportion of the population of Calcutta consists of men coming from Western Bengal. Calcutta is the capital, although I regret to say not the capital of the whole of India, but still it is the capital of India for all intents and purposes and especially it is the capital of this presidency, and therefore if Calcutta and its vicinity are improved, my hon'ble friend who lives for a considerable part of the year in Calcutta, and also his friends will be benefited because they have got to come to Calcutta for business and other purposes. With these observations I thank the Hon'ble Maharajadhiraja Bahadur for accepting my resolution."

The motion was then put and agreed to.

ITEM No. IV.

The Hon'ble Maulvi Abul Kasem, in the absence of the **Hon'ble Babu Akhil Chandra Datta,** moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 4 lakhs be provided in the budget for financing the union boards constituted and proposed to be constituted under the Bengal Village Self-Government Act ; and

(*b*) that a corresponding deduction be made in the estimated expenditure under the head "45—Civil Works in charge of the Public Works Department" or in the Police Budget under the head "Expenditure—20—Police."

He said :—

"My Lord, in the absence of the Hon'ble Babu Akhil Chandra Datta I beg leave to move this resolution. In doing so, my Lord, I beg to observe that the object of the resolution is to bring before Your Excellency's Government the case of the village union boards. We are not much concerned as from what source the money is to be found, although it has been the custom with the non-official Members in this Council to find out loopholes in the Police Budget and to try and see that the police expenditure does not go up by leaps and bounds. Previous attempts have failed, and we have found by experience that demands from the Police Budget have always failed so I would not press that point. The only thing to which I have to draw Your Excellency's attention is the fact that when the Village Self-Government Act was passed, Government took upon themselves no financial responsibility, although some of us tried to put a little responsibility on Government, but it was not accepted, but now that the boards are being constituted those who have got any experience of rural Bengal will admit that it will be very difficult to put these boards in working order without some financial help from Government. The district boards will certainly contribute some amount of money for these boards, but they will not have sufficient money to make these boards work satisfactorily and by the time they impose fresh taxes so that the people may realize the advantages of these union boards it is necessary that they should be able to work satisfactorily and only can they call upon the people to contribute in the form of taxes. The sum asked for is a very modest amount of 4 lakhs for this presidency, and I hope and trust that Your Excellency's Government will try and find the money for the financing of these village boards, and that something will be done in this current financial year."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, the resolution which has been moved by the Hon'ble Maulvi Abul Kasem relates to a subject which was fully discussed at the time when the Village Self-Government Act was before the Council, and I think it was finally ruled that such provision of committing the Government to grants-in-aid of this kind, or to bear a portion of the cost of the equipment required under this Act, could not be accepted. The present resolution has been worded vaguely, and I do not think that the Hon'ble Maulvi Sahib has been able to put very clearly what is the main object of it. It would be idle for Government to provide money when in the first place they have no applications for grants-in-aid and there is no indication whatever of the purposes for which the grants would be used or how they would be distributed. It is for the union boards to decide what work they want to carry out during a year and to raise money by assessment sufficient for the purpose. If the works are beyond their means they can move the district boards for a special grant, and the district boards can then consider whether the works are really needed, and whether their cost is really beyond the resources of the board. It is also up to any union or district board to ask Government for a special grant-in-aid, but Government cannot obviously put down a lump sum like this without having any idea of what is actually required or what is likely to be accepted. Secondly, the main reason for which I oppose this resolution is on the ground that the amount asked for is beyond all reason. The total income of all union boards in 1918-19 was Rs. 2,39,000, of

which Rs. 1,28,000 was contributed by district boards and Rs. 58,000 was derived from self-taxation. It would be out of question to expect Government to contribute about double the present expenditure of the district boards, which in 1918 amounted only to Rs. 2,34,000. For these reasons it must be apparent to this Council that the proposal cannot be accepted, and I therefore beg to oppose it."

The Hon'ble Maulvi A. K. Fazl-ul-Haq said :—

"My Lord, I beg to support this resolution and although we have had an explanation of the position by the Hon'ble Maharajadhiraja Bahadur of Burdwan, I think there are one or two matters which ought to be taken into consideration before a final decision is arrived at. In the first place, my Lord, it is necessary to remember that the union boards are going to be established under the Village Self-Government Act. I do not think it is necessary to take up the time of this Council by urging that in these village union boards we have really got the beginnings of that responsible government in the country to which we are all looking forward with so much faith and confidence. It is not merely the first step in the latter, but from every possible point of view it is by all means the most important. I do not think it is necessary to waste the time of the Council by any lengthy speech if I were to urge that all possible means should be taken to make these union boards the success which they ought to be from the very beginning. It has got to be remembered that nothing succeeds like success, and at the same time it should also be remembered that nothing so much disheartens as failure, and that one unsuccessful experiment in this direction will retard for a very long time the progress of responsible government in this country. There is one matter which is generally overlooked, not merely by the Government, but also by the people, when criticisms are levelled at the self-governing institutions which we possess at the present moment under the Local Self-Government Act or under the Municipal Act. There have been certain instances, unfortunately, in which Government have had to intervene and to suspend the operations of the municipalities, and although it was not stated in so many words, the charge was at any rate levelled at these institutions that they had been failing in efficiency and that they had not been successful in satisfactorily discharging the trust that had been reposed in them. I do not wish to take up the time of the Council by discussing those particular cases, but I have always had the opinion, and I say it with the utmost confidence, that one of the main reasons for the failure of these municipalities to cope with their work has been the very insufficient means at their disposal for carrying out the duties that had been entrusted to them. Suppose, for a moment, that we asked these union boards to carry on the work that is going to be entrusted to them, and we allowed them to start with insufficient funds, it does not require any logic to convince either the Government or the public that in these circumstances the experiment of union boards would be foreloomed to failure. You ask the union boards to take over from the local board the charge of rural roads, and you ask them to take over the charge of looking after primary education within their area, you ask them to look after the health of the inhabitants and looking after various sanitary problems, etc., and getting on with several other matters, without anybody coming forward to see whether the means at the disposal of the union boards are likely to be sufficient for the work that is going to be entrusted to them. The Hon'ble Maharajadhiraja Bahadur has been pleased to tell us that the sum that has been asked for, viz., 4 lakhs of rupees, is rather more than is at present the contribution made to the district boards. I think, presumably, he wants to make that as an argument that the sum that has been asked for is much too excessive. I submit, my Lord, that before we can accept that argument, we have got to concede that the contribution

that is being made by the district boards now is sufficient, and I want to cut short the discussion by saying at once that I do not consider that the contribution made by the district boards is at all sufficient. The district boards have not done their duty to the union boards, and I do not expect in the present circumstances of the finances of the district boards that they will be able, even if they wanted to, to sufficiently finance these union boards. What after all is going to be the source of income of these union boards? I have not got a copy of the Act. I am speaking from memory, but I think the income is derived from fines imposed by union courts and union benches, also the receipts from the fines imposed in the pounds and ferries, then the chaukidari taxes realized by them, and as the Hon'ble the Maharajadhiraja has told us, they can raise money, if possible, by additional taxation and by asking the district boards for grants, and, lastly, they can come up to the Local Government.

Now, as regards fines imposed, which is the first item, one can easily imagine that the income will not be very much under that head, taking into account the possible number of cases that are likely to crop up and the number of fines imposed we do not expect that people in villages will go on infringing the law and allow themselves to be hauled up before the village bench, and allow themselves to be fined, simply because it is necessary to swell the finances of the union boards. As regards pounds and ferries, unless people become very careless about their cattle and people take it into their heads to cross rivers more often than necessary, I do not think the income under those heads will be much. As regards chaukidari taxes, we know that this income is not of a very appreciable character. Then comes that interesting point—raising money by taxation. It is all very well to say, 'Go and raise money by taxation', but the point must not be lost sight of that although the income may not be quite sufficient, it is not possible for the people to bear any more burdens of taxation. If you raise the chaukidari tax, you will do so only by inflicting another burden on the people which they cannot bear. Then comes the question of asking the district boards for grants. As I have already submitted, district boards have not got enough money to spare, and as at present, the case has been that the district boards generally find themselves on the horns of a dilemma. Are they to spend money on education, or on building bridges over canals? There have been many cases in which it was found that they had to look for funds from outside. Then remains the last resort—an appeal to Government, and I think it is the only resort available to the union boards for keeping their work going. As the case stands, there can be no doubt that the union boards will have to come up to Government for help, and if that is going to be the case, why not make a beginning now. Let them have funds, let them have a good start, and if they do not succeed, then it will be time enough to say that the experiment has been a failure. I submit that it is not wise, it is not fair to start these union boards, saddling them with heavy responsibilities, and allowing them to begin the work with insufficient resources. There is nothing that conduces so much to failure as the want of the real sinews of war. I know in this particular case, Government will be guilty of a gross breach of faith to the people, if they do not allow funds to be placed at the disposal of these union boards, in order to afford all possible facilities for carrying on the work that is going to be entrusted to them. I submit that since the Government will have to give the money, at some future time, let them provide the money now. Before sitting down I have got to consider another point. A suggestion has been made that it may be taken from the Public Works or the Police Budget. So far as I am concerned I have always held that the expenditure on the Police Department is extravagant, and it has gone up since my life in this Council from about 81 lakhs to the record figure of a crore and a half this year. It may be that there will be great opposition

if I touch a single farthing under this head, but that is the best source from which we can get money. I beg to support this resolution, and I hope the Hon'ble Member in charge will reconsider the matter."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I regret very much that the Hon'ble Member in charge has not found it convenient to accept the resolution, and that he is not prepared to make any provision in the budget for financing the village self-governing boards. The Hon'ble Member in charge has been pleased to observe that the matter was thoroughly discussed in this Council when the Village Self-Government Bill was before it, and it was definitely settled that Government would undertake no financial responsibility in the matter. Certainly that is so, and I said so when I moved the resolution. But, my Lord, the impression left on my mind, at any rate by the discussions that took place when the Bill was in this Council, was that although Government undertook no financial responsibility, they would come to our help, if help was needed, and emboldened with that hope which was held out to us, I ventured to move this resolution in the absence of my friend.

In the second place, the Maharajadhiraja Bahadur has been pleased to observe that no application has been received either from the district boards or from the union boards for this purpose, and that they are just the persons who should first move in the matter. I want to remind the Hon'ble Member in charge that the union boards are just now being constituted and they are not yet in existence. Burdwan is perhaps the first district in Bengal where the Act was introduced, and so far as I know no other board has been constituted in the presidency. They are under constitution. In some cases elections have been held and some have been notified. So it was not possible for any of these boards which are now in existence to approach Government. The men who have been elected to these union boards or who will form the new boards have at any rate no idea at present of what the work will be and they will have to be guided by the Government officials. Certainly the district boards will come to their help, but the resources of the district boards are still more limited, and they have got on their shoulders many important works for which they do not find money, and I do not think that the district boards could have possibly now come forward with an application for the help of these union boards which are now being created.

Thirdly, the Hon'ble Maharajadhiraja Bahadur has been pleased to observe that these union committees collected Rs. 58,000 and the district boards paid Rs. 1,28,000, but perhaps he forgets that the figures given were for the union committees started and established under the Local Self-Government Act, which were very few in number and perhaps their number was very limited, about 8 or 10 in a district, whereas the village self-governing boards are very numerous in number: perhaps in every chaukidari union in the presidency there will be a village board. Therefore the money that they will collect themselves and the money that the district boards may be called upon to contribute for their expenses would be much larger than what has been the case with the union committees. Union committees were of very little importance and very few in number. Secondly, they are saddled with the maintenance of chaukidars and dafadars. The chaukidari tax that they now collect will be practically wholly spent on the chaukidars and they will have to make fresh taxation for the purpose of keeping their works going. My friend has mentioned about some fees to be realized, but it will be absurd to expect an institution to be run simply on the hope of meeting financial liabilities by fines imposed for negligence or commission of offences.

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I am sorry, my Lord, that the resolution has not been accepted, but at the same time I hope and trust that when these boards are formed and when they come up to Government for help, at least the Government will come to their rescue, and unless that is done, as has been observed by my friend to the left, the village self-governing bodies would not work satisfactorily, and thus the first ladder towards responsible government will be doomed to failure. I have nothing more to add. There is scarcely any chance of this resolution being carried, but it is a matter of regret to me that when the Bill was under discussion, we were left with the impression that Government would come to their financial aid if it was needed. So the present hope, which I have expressed that some money will be provided for these boards, is also hoping against hope."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I would just like to say one thing. I do not think in my speech I ever intended to convey the idea that Government would never give any assistance, but the whole point is this. When the Maulvi Sahib himself said that in the Burdwan district even now union boards had not been formed under the Act, surely he could not expect Government to provide, without considering what the demands may be, a fancy sum of Rs. 4 lakhs in the budget. I do not think that is a proper way of financing, and I do not see, my Lord, how it could be possible for Government to hold out any promise until they had concrete proposals for help before them. For these reasons I am unable to provide the money in the present budget."

The motion was then put and lost.

ITEM No. V.

The Hon'ble Babu Kishori Mohan Chaudhuri moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that suitable provision be made in next year's budget for meeting the charges for improving the pay and prospects of the higher branches of the Subordinate Educational Service; and

(*b*) that the sum required be met for next year from the allotment made for lump provision for sanitation.

He said :—

"My Lord, so far as I remember, an assurance was given some time ago in this Council that the question of the improvement of the pay and status of the members of the Subordinate Educational Service would be taken up when the question of the Imperial and Provincial Educational Services could be considered as the former was not dealt with by the Public Services Commission. Now that the question of the other two services is being considered, I think it is time that the question of the Subordinate Educational Service should also be taken up. I do not know whether anything has yet been done or any proposal has yet been matured and submitted to the higher authorities for sanction, but I think it is high time that something should be done for the low-paid officers of this service. I have proposed the improvement of the higher branches of the Subordinate Educational Service first as both the grades cannot be considered together. It is really an economic question of great importance as in these days of high prices of foodstuffs and other necessaries of life it is very difficult for the members of this service to meet their necessary expenditure. I have therefore suggested that the lump

provision for sanitation may be touched for any amount that may be required in the next year. The provision of proper fooling is an important charge upon sanitation, and so I have suggested this item. I hope this question should no longer be delayed.

With these few words I beg to commend the resolution to the acceptance of Your Excellency's Government and this Council."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, Government are fully alive to the requirements of the Subordinate Educational Service. As the Hon'ble Member knows, the Secretary of State has only recently passed orders about the reorganization of the Indian Educational Service and the Provincial Educational Service, but the details have yet to be filled in and it has to be decided what posts should be removed from the Provincial Educational Service to the Indian Educational Service and from the Subordinate to the Provincial. Till this has been done it is quite impossible to take up the question of reorganizing the Subordinate Educational Service as we do not know what posts would have to be provided for. It would, therefore, be impossible to estimate the amount which would be required. It has yet to be decided what the different grades should be, what posts they should include and what the pay should be of such posts. I do not think, therefore, that at the present moment Government can possibly provide for any sum of money in the way the Hon'ble Member desires. All that I can promise is that as soon as we have been able to go through the question of the posts in the Indian Educational Service and the Provincial Educational Service, we propose to appoint a Committee to go into the question of the Subordinate Educational Service, and I therefore request the hon'ble mover of this resolution that under these circumstances he would be wise to withdraw his resolution."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I am grateful to the Hon'ble Member in charge for the assurance that has been given, and I do not think it will serve any useful purpose to press my resolution. As the matter is engaging the attention of Government, I think it better to withdraw the resolution."

The motion was then, by leave of the President, withdrawn.

ITEM No. VI.

The Hon'ble Maulvi Abul Kasem, in the absence of the **Hon'ble Babu Akhil Chandra Datta,** moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that the sum of Rs. 1 lakh provided for primary education in the mufassal be raised to Rs. 2 lakhs ; and

(*b*) that this amount be met by reducing the estimated expenditure for primary education in Calcutta from Rs. 3 lakhs to Rs. 2 lakhs.

He said :—

"My Lord, this is a resolution which might be to some extent construed to mean a rivalry between the mufassal and the metropolis, but it has been placed before the Council not in that spirit. We only want that the expenditure on primary education in the mufassal be increased by another lakh and that in order to find out the sum we have touched upon the money allotted

for the same purpose in the city of Calcutta. We would have been very glad if we could lay our hands on something else, but this was found to be most convenient by the Hon'ble Babu Akhil Chandra Datta because no body would oppose it.

In the first place, my Lord, I submit that in Calcutta the people are wealthy and they can afford to pay for education, and besides that they have a very rich Corporation to help them, whereas in the mufassal the municipalities, as has been observed by my friend to the left, are in a very bad financial condition, and besides the people in the rural area cannot afford to pay money for their education. Those who have had anything to do with the Department of Education know that the real difficulty for the extension of primary education in the mufassal has been the want of money to meet the expense. The Department of Education comes forward with a grant of a small amount for these primary schools when they have been established and they have to follow certain rules which insist on the provision of suitable staff, furniture, maps, books and other necessary articles: but the local people poor as they are—and what is more they have not got much education—do not understand the advantages of an extension of primary education, and those people who are wealthy and well-to-do in the mufassal prefer for various reasons to go and live in the city and they have very little concern with the land where they and their forefathers were born, but that cannot be helped. Therefore the humble suggestion is made that this money, the sum of one lakh, be raised to two lakhs and the amount be met from that allotted for the city of Calcutta. I hope and trust the city of Calcutta will not suffer by it because the people are better cultured and more intelligent and they are much more wealthy than the people in rural areas, and therefore I trust that there will be no opposition. The financial question rests with the Director of Public Instruction, and I hope he will try to find out the money wanted for Calcutta either from the local people or from the Corporation and that he will increase the Government grant for the mufassal by another lakh so that that will help the extension and expansion of primary education in the mufassal.

My Lord, in fact, the Primary Education Bill, which was passed in this Council, will practically remain a dead letter owing to its provision for the imposition of an education cess. I believe I am not far wrong when I say that almost all the municipalities have either refused to introduce the Act in their area or have asked for substantial grants from Government for the purpose. It is very difficult to find in a municipal town a majority of two-thirds who support the idea of the extension of primary education because they are not willing to pay the educational cess. If that is the case with the municipal areas the case of rural areas is worse. I therefore submit, my Lord, that this resolution should be accepted by Your Excellency's Government."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, although my friend began his observations by saying that if he is moving the resolution on behalf of Babu Akhil Chandra Datta he is not doing so in a spirit of rivalry to Calcutta, all the arguments that he has adduced controvert his profession. My Lord, with the object which the resolution has in view, I am sure, every one here has the fullest sympathy. Those who were members of the Finance Committee are well aware of the fact that this matter was raised and discussed in the Committee, and, if I remember aright, it was said that no scheme had come up from any of the municipalities or at least from a large proportion of the municipalities concerned. So far as Calcutta is concerned, a fully matured scheme was submitted by the Calcutta Corporation and it had been under consideration

for a long time. The Corporation has earmarked a certain sum of money in order to carry out the scheme not only this year but for two or three years past and Government very reasonably came forward to help, or rather to co-operate with, the Corporation in introducing primary education in Calcutta. But what is the situation in the mufassal? Is there any scheme from any municipality or from the municipality of Burdwan of which the Hon'ble Maulvi Abul Kasem may be a member which has been forwarded to Government? So far as I could gather from what was stated from the Government side, Government were quite willing to help the mufassal municipalities if they came forward with some definite schemes, but none came. This lump sum of one lakh was simply budgetted in case any municipality should come up later on with a reasonable scheme for the introduction of primary education in its area. I am sure that if a large number of municipalities come forward with definite proposals for the introduction of primary education, Government would be pleased to find the required sum. The longing eye of my friend need not be cast on the Calcutta Corporation because after all the Corporation is not taking away anything from the mufassal municipalities. There is a lump sum provision of one lakh, but if it is found insufficient and the mufassal municipalities come forward with definite schemes further funds may be made available."

The Hon'ble Maulvi A. K. Fazl-ul-Haq said :—

"My Lord, I beg to support this resolution, and in doing so I want to make a confession which my friend, Maulvi Abul Kasem, shrank from making. I will plainly say, my Lord, that if I were to bring forward a suggestion of this character, I would certainly do so mainly on the ground that Calcutta seems to be very favourably treated in comparison with the mufassal. In other words, if a sum of Rs. 4 lakhs is going to be spent for the improvement of primary education, it is unfair to the mufassal to be allotted one lakh which will be distributed between all the municipalities scattered over all the presidency and to allot 3 lakhs to Calcutta. The natural division would be half and half—2 lakhs each, if not 3 lakhs for the mufassal as against 1 lakh for Calcutta. If by these remarks I lay myself open to the charge of zealousy of the metropolis as a mufassalite, I am quite prepared to face it and I will not be afraid of laying myself open to that charge.

In the first place, the facilities for primary education in Calcutta are far more numerous than in the mufassal, and this is to be deplored because of the fact that the needs of the mufassal are so much greater than those of Calcutta. If it is the object to dispel ignorance and prejudice by the spread of primary education, we could not do better than take all possible means to foster the spread of primary education in places outside the presidency town. Calcutta has the least need of it and at the same time Calcutta is more fully equipped with resources for taking into hand the almost gigantic task which the spread of primary education entails. The needs of the mufassal are greater and it therefore follows, as between these two, if any party has to receive any help from Government, mufassal should come in first, and if any balance remains that may go to Calcutta. My friend, the Hon'ble Rai Radha Charan Pal Bahadur, has come forward with the usual query. 'How can you ask for a further allotment of one lakh having regard to the fact that you have not formulated any definite proposals'? To that I say, let the money come, and the proposals will be forthcoming. Proposals have not been forthcoming because the municipalities know that even if they were to come forward with proposals they will not be able to find the money. It is open under the Act for municipalities to start operations according to the provisions of the Primary Education Act, but most of the municipalities have perhaps held their hands because of the fact that they

know sufficient funds would not be forthcoming. At any rate, it is never a sound way of disposing of a question like this simply by saying that no proposals are forthcoming. It may be the particular case of the Burdwan municipality, that they are slow and are taking time to consider, but that does not prevent the allotment being made in the budget for meeting those proposals when they do really come. Then we have been asked, 'Are any schemes ready?' As in the other case, I would say that schemes would be ready only when the money is ready. I do not wish to take up the time of the Council. The proposal here made does not affect the total allotment that has been made for primary education. It is only suggesting a change between the claims of Calcutta and the mufassal, as suggesting that the money should be divided half and half between the mufassal and Calcutta. I submit that this is a very fair proposal, and by opposing this proposal the people of Calcutta will lay themselves open to the charge that they are unmindful of rural interests and things in the mufassal. They do not know the condition of things there and therefore they are not aware how necessary it is to help these movements in the mufassal. With these few words I beg to support the resolution."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I wish to say a few words with reference to this resolution. As Your Excellency knows, the Primary Education Act was passed in March 1919, but no steps, no active steps, have yet been taken by Government for the development of primary education in mufassal municipalities. At first we thought that a sum of Rs. 5 lakhs would be allotted this year for the development of primary education in mufassal municipalities, but now we find that only a sum of one lakh has been provided for the purpose. Probably we will be told that schemes are not ready, and that proposals have not been sent to Government. As a matter of fact, I know that from some municipalities proposals have been sent to the educational authorities, but they have been returned by them on the ground that the proposals are not satisfactory and that proper statistics have not been given, though I know in some cases it is the educational authorities who have supplied these statistics and helped the municipalities in framing these proposals. The real fact is that some of the members of the Education Department are not very friendly disposed, I am sorry to say, towards the development of primary education in the mufassal. I shall give one single instance. I know there are one or two sub-inspectors of schools under the district deputy inspector of schools. I personally asked the Director of Public Instruction (not Mr. Hornell, who was then on leave) to have at least in each district one or two additional sub-inspectors to help municipalities in framing their proposals. What was the result? In the district of the 24-Parganas there is only one sub-inspector of schools I asked Mr. Dunn to give us three additional sub-inspectors; their pay would be only Rs. 50 or Rs. 60 each. What did he say? He said that he was not in a position to give us any officer, but that he would try and see what could be done. Nothing was done. There are about 24 municipalities in the district of the 24-Parganas and one single sub-inspector has to look after the work of the district board primary schools, and, over and above that, he has to look after the work of the municipal primary schools. He cannot satisfactorily carry on the work. I think more sympathy is required from the educational authorities to frame these schemes, and unless this is done, the Primary Education Act will remain a dead letter and even this one lakh of rupees will not be used. So while fully supporting the first part of the resolution, I cannot support the second part of it, and it is for this reason. The Calcutta Corporation has already provided 5 lakhs from their own funds; they have led the way, and so it is only fitting that Government should also help the Corporation with some substantial grant. I see no meaning in reducing the

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Government contribution of 3 lakhs to 2 lakhs. No doubt the Calcutta Corporation is a very rich municipality It has got a surplus of about 45 lakhs this year. They do not know how to spend the money, and so they contributed 5 lakhs of it towards primary education. Government ought to help the municipalities with contributions, but I cannot support that part of the resolution by which it is sought to reduce the contribution to the Calcutta Corporation."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"Your Excellency, I did not intend to address the Council on this subject, but for some observations which have fallen from the Hon'ble Babu Surendra Nath Ray who, of course, is in a position to speak on matters of this kind with some degree of authority. I happen however to know something about the position of the South Suburban Municipality which my hon'ble friend has worthily represented for the last seven years in this Council, and with which he is still connected. His municipality which is closest to the town of Calcutta, has failed up to this time in submitting a return of the number of pupils which the municipality expect will be able to join the number of proposed primary schools within the limits of that municipality, though that municipality has been repeatedly asked to do so. It is just a year ago that the Primary Education Act was passed in this Council under the able guidance of my hon'ble friend, but so far as his municipality is concerned it has been a dead letter up to this time, and one feels some difficulty in understanding the excuse put forward that the educational authorities failed to appoint a sub-inspector of schools, temporarily for three months, to do this business for the South Suburban Municipality. Is the South Suburban municipality so poor in talent, in intelligence, not to be able to supply the statistics required? I should have hesitated to stand here at the present moment had I not been furnished with the information as regards the exact situation by a man in authority in that district. Therefore I respectfully submit that it is no use allotting more than one lakh of rupees for the promotion of primary education in the mufassil municipalities because they have by their past conduct shown themselves to be very lethargic, and as for taking away the sum of money which the Finance Committee have allotted for the promotion of primary education in Calcutta, for the purpose of promoting the same thing in the rural areas, it would be perfectly useless judging from the state of things disclosed. There is no gainsaying the fact that the Calcutta Corporation have been ready with schemes for the promotion of primary education in the town of Calcutta, and they are also ready with funds and they seek aid in this matter. They have got large liabilities and they have also got a very large amount of debts ; so that it does not follow if their income is considerable, over one crore and half of rupees, that they should therefore be deprived of aid which they are justly entitled to from the State."

The Hon'ble Babu Surendra Nath Ray, having risen, the President asked :

"Does the Hon'ble Member wish to make a personal explanation ?"

The Hon'ble Babu Surendra Nath Ray said :—

"Yes, my Lord, only a personal explanation. What my hon'ble friend has said about the South Suburban Municipality is not correct. As a matter

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of fact, a scheme was framed and submitted either in August or September last, and I really do not know who has given my hon'ble friend the information that a scheme was not submitted to Government in time. Either he has drawn from his own imagination, or his informant has not given him true information."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I must confess the debate has been most interesting. Of course the hon'ble mover of the resolution and the gentlemen who followed him have been so sentimental of late that I can appreciate their sentiments running away with them to-day in connection with the question of mufassal *versus* Calcutta. But I do not think it is the correct attitude to take up on the present occasion. In the first place, what is the position regarding the mufassal? It is this, that it is not as if the Government were unwilling to make any contribution, but that not knowing what schemes are likely to come up during the year, Government have not been able to put down a large sum of money. In fact, probably, even the lakh of rupees that has been provided should not have been there, but the reason that it has been put in is simply that Government may not be accused of backing out from the promise of supporting primary education in the mufassal. We have at the present moment got only two proposals from the mufassal municipalities and I am rather surprised that the Hon'ble Babu Surendra Nath Ray in trying to make out a case simply because his scheme was sent back by the Education Department as not being complete, should accuse the Education Department of being unsympathetic towards the whole question of primary education in the mufassal. I know from exprience that the Education Department is constantly kept busy with the question of these primary schools in the mufassal, and I can bear testimony to the fact that Mr. Hornell is constantly devoting his attention to these primary schools or projects, when he goes to the mufassal on tour, and I do not think it is quite fair to make this accusation against the Education Department. What, however, we are concerned with to-day is this. Is the provision of one lakh of rupees in the budget sufficient for the demand that may be made on the Government from the mufassal municipalities? I say it is sufficient. That being so, that disposes of the question as to whether more funds should be provided. All I can say is, I can assure the Hon'ble Maulvi Abul Kasem that there is no intention on the part of Government to back out of their share in providing for primary education in the mufassal. He and his friends have only got to watch and see what we are able to contribute from this lakh of rupees in the next year. If we can spend the whole of it there will be ample time for Members of Council for agitating for large sums of money to be provided in the budgets to come.

Now, I shall turn to the question of Calcutta. I do not think there is any question of rich and poor as has been mentioned by the Hon'ble Maulvi Abul Kasem in this matter. Government are willing to help where schemes have been crystalised. Here we have a scheme which has been crystalised by the Calcutta Corporation, which has been examined by the Education Department and which, Government in duty bound, should help. That being so, I do not think it is at all fair to try and take away the money provided for the Calcutta Corporation. I think I have explained enough, my Lord, and I hope it will be taken in good faith that the amount provided for for the mufassal municipalities is quite adequate for our present purposes, and that therefore there is no need either to rob Calcutta of another lakh, or to provide a lakh from elsewhere.

For these reasons I am unable to accept this resolution."

Rai Debender Chunder Ghose Bahadur : Babu S. N. Ray ; the President.

Government contribution of 3 lakhs to 2 lakhs. No doubt the Calcutta Corporation is a very rich municipality It has got a surplus of about 45 lakhs this year. They do not know how to spend the money, and so they contributed 5 lakhs of it towards primary education. Government ought to help the municipalities with contributions, but I cannot support that part of the resolution by which it is sought to reduce the contribution to the Calcutta Corporation."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"Your Excellency, I did not intend to address the Council on this subject, but for some observations which have fallen from the Hon'ble Babu Surendra Nath Ray who, of course, is in a position to speak on matters of this kind with some degree of authority. I happen however to know something about the position of the South Suburban Municipality which my hon'ble friend has worthily represented for the last seven years in this Council, and with which he is still connected. His municipality which is closest to the town of Calcutta, has failed up to this time in submitting a return of the number of pupils which the municipality expect will be able to join the number of proposed primary schools within the limits of that municipality, though that municipality has been repeatedly asked to do so. It is just a year ago that the Primary Education Act was passed in this Council under the able guidance of my hon'ble friend, but so far as his municipality is concerned it has been a dead letter up to this time, and one feels some difficulty in understanding the excuse put forward that the educational authorities failed to appoint a sub-inspector of schools, temporarily for three months, to do this business for the South Suburban Municipality. Is the South Suburban municipality so poor in talent, in intelligence, not to be able to supply the statistics required? I should have hesitated to stand here at the present moment had I not been furnished with the information as regards the exact situation by a man in authority in that district. Therefore I respectfully submit that it is no use allotting more than one lakh of rupees for the promotion of primary education in the mufassil municipalities because they have by their past conduct shown themselves to be very lethargic, and as for taking away the sum of money which the Finance Committee have allotted for the promotion of primary education in Calcutta, for the purpose of promoting the same thing in the rural areas, it would be perfectly useless judging from the state of things disclosed. There is no gainsaying the fact that the Calcutta Corporation have been ready with schemes for the promotion of primary education in the town of Calcutta, and they are also ready with funds and they seek aid in this matter. They have got large liabilities and they have also got a very large amount of debts ; so that it does not follow if their income is considerable, over one crore and half of rupees, that they should therefore be deprived of aid which they are justly entitled to from the State."

The Hon'ble Babu Surendra Nath Ray, having risen, the President asked :

"Does the Hon'ble Member wish to make a personal explanation?"

The Hon'ble Babu Surendra Nath Ray said :—

"Yes, my Lord, only a personal explanation. What my hon'ble friend has said about the South Suburban Municipality is not correct. As a matter

Babu Kishori Mohan Chaudhuri.

He said :—

"My Lord, this resolution seeks to ensure a natural sequence, so to speak, of the promising field which Your Excellency's Government is providing for industrial education. In this debate, my Lord, education always looms large, very properly, because there is no more real politics than education in all its aspects. Owing to the action that has been taken in connection with the Imperial and Educational Services no suggestions regarding them have been found necessary this year. We have already disposed of the question of the Subordinate Educational Service, and through the good offices of the hospital-hearted Hon'ble Maulvi Abul Kasem, the question of primary education has also had enough attention at the hands of the Council. Now remains the question of industrial education. Commercial, industrial and agricultural education has been engaging considerable public attention and the attention of the University authorities. The Sibpur Engineering College is now the Bengal Engineering College and the prospects of the Kanchrapara Workshop seems to be hopeful. General provision for the technical institute will fill a large place as also the nautical school about which a committee has been appointed. The Kanchrapara Institute is somewhat in the position of a whip without a horse in certain respects because of the omission of the general staff, which I am sure will be corrected in time.

I propose in this resolution to find the lost link as it were in the chain and that is to give an effective and thorough training at the end of the engineering course at the Bengal Engineering College. Eight years ago, a great engineer told me in England 'for ordinary purposes, your countrymen need never come abroad. Your educational institutions, if bettered, will do a great deal, and the works that you have in your own country will do the rest in the way of training.' It is that final and comprehensive training that is the objective of this resolution, which should be assured. We have no lack of brick and mortar engineers from our colleges, but when we want to deal with industries that are springing up in all parts of the country, that we find real difficulty. Reliable engineers with general attainments are not lacking and they themselves would be very glad to have workshop training. There are the Tata engineering works and industrial concerns like the Banga Lakshmi Cotton Mills, which can impart such training; but there is always the question of financing the apprentices during the time of their training. Formerly, we used to have one or two scholarships in connection with mining engineering, but since the opening of the mining schools which are doing subordinate work, this has been done away with. To find some remedy for this state of things I gave notice of this resolution, and I thought that our docks and harbours and railways will be able to do a great deal in the way that I have in mind. I hope the matter will engage the attention of the Government and of the authorities concerned. I have consulted men who know the details of these institutions and there are serious practical difficulties in the way of effect being given to this resolution immediately even if it be carried and accepted. I would therefore ask Your Excellency's permission to withdraw the resolution, with the hope that the matter will engage the attention of the Government."

The resolution was then, by leave of the President, withdrawn.

ITEM No. VIII.

The Hon'ble Babu Kishori Mohan Chaudhuri moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 15,000 be provided in next year's budget for the construction of quarters for the mistresses for the P. N. Girls' School at Rajshahi; and

(*b*) that the said sum be met from the sums allotted for works in progress and for new works under head "45—Civil Works—Public Works Department."

He said :—

"My Lord, this is a simple matter. I am emboldened to bring forward this proposal simply because my hon'ble friend, Mr. Hornell, who had recently been to Rajshahi, realises the necessity. Some arrangement is urgently necessary for the development of the girl school at Rajshahi and also of the primary school which has recently been converted into a Middle English School. The Hon'ble Mr. Hornell visited the institution sometime ago and suggested that local help ought to be forthcoming for the improvement of the school building as it was not in a proper condition. He further said that some female teachers would be appointed and their quarters constructed by Government. Land was acquired about ten years ago and an estimate prepared for the constuction of quarters, but the work could not be taken in hand due to the war. Recently the Inspector of Schools proposed that if out of Rs. 15,000 required for the building Rs. 5,000 could be raised by local contribution, Government would pay the remainder. Last month when the Hon'ble Mr. Hornell visited the school he said that more accommodation was absolutely necessary and that quarters for the female teachers should be constructed, and that, if an upper storey could be added to the existing building, he would go up to Government for a grant of Rs 50,000 at once. Kumar Hemendra Kumar Ray, the youngest brother of the Raja of Dighapatiya, at once came forward with the proposal for doing the thing, I mean the construction of an upper storey to the existing building at a cost of Rs. 6,000 if the Government could be pleased to construct quarters for the female teachers. I have brought forward this resolution only to strengthen the hands of my friend, the Hon'ble Mr. Hornell, and I hope the construction of the buildings will be completed during the course of the next year. As the land had been acquired a long time ago, the matter ought to be expedited. The money required for the construction of these buildings is not much and can be taken from the sum allotted for the completion of works in progress. There should not be any further delay in the completion of this much-needed reform, and I hope money will be provided for this purpose in the next year's budget and orders issued for expediting the matter."

The Hon'ble Mr. Hornell said :—

"My Lord, the school for which the Hon'ble Member pleads is a middle school under private management, which receives a Government grant. The school has not been eminently successful in the past. Rampur-Boalia is not one of the most advanced centres in the matter of the education of girls. Probably the greatest difficulty under which the school labours is the absence of residential quarters for its mistresses. This means that for women teachers—and they really are essential—the school has had to rely on women who are available locally. This difficulty attracted my attention some six or seven years ago and a scheme, as the Hon'ble Member has said, for the provision of quarters was worked out at a cost of Rs. 15,000 and land was acquired. But Government declined to consider their contribution unless and until a local contribution of Rs. 5,000 was made available. Well, this sum has not been forthcoming and consequently nothing has been done.

Last month I was in Rajshahi and I visited the school. I found the school had in the meanwhile increased considerably, and that it was badly in need not only of quarters for the teachers but also of additional class-room accommodation. I suggested that we might possibly come to some agreement. If the local people would provide the additional class-room accommodation

required by the school, I might try and obtain from Government the money necessary for the construction of the teachers' quarters. A leading zamindar, who was present and whose name the Hon'ble Member has mentioned, immediately took up the offer and undertook to build an additionel storey on to the school building, if Government would construct the quarters in question. I was of course not in a position to commit Government to this at the time, but I said in my inspection note that if the zamindar in question would put his offer in writing and also if plans and estimates for the additional storey of the main building approved by the Public Works Department sent to me, I would take the case up to Government.

The next move is clearly up to the zamindar. The Hon'ble Member has suggested that provision should be made in the budget by reducing the sum available for civil works. That of course is neither necessary nor possible. It is not possible because the provision of money for civil works is for the construction of Government buildings and this school is not a Government institution. If the zamindar's offer materialises and if Government is prepared to accept the suggestion which I shall put up to them, it will be possible to find the money from the allotment for grants-in-aid provided in the budget for the coming financial year.

That is the position, my Lord, and I hope after this explanation the Hon'ble Member will not think it necessary to press the matter further."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I am thankful to the Hon'ble Mr. Hornell for the assurance given. I can assure him that there will be no difficulty in getting the money from Kumar Hemendra Kumar Ray. I had a talk with him and he has already written a letter that he would pay at once Rs. 6,000, or more, if necessary, for the construction of the additional storey in the main building. After the assurance given by the Hon'ble Mr. Hornell I do not think it is necessary to press the matter. I may be permitted to withdraw the motion."

The resolution was then, by leave of the President, withdrawn.

ITEM No. IX.

The Hon'ble Babu Kishori Mohan Chaudhuri moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 50,000 be allotted in next year's budget towards the construction of hostels in the Rajshahi College ; and

(*b*) that the expenditure be met from the allotments made for reconstruction of Police buildings and for land acquisition for Medical College in Calcutta under head "45—Civil Works—Public Works Department."

He said :—

"This is also local matter. My Lord, I have brought forward this proposal as there is a scheme for constructing hostels for the Rajshahi College for 250 Hindu and 100 Muhammadan students at a cost of about Rs. 3 lakhs ; Rs. 50,000 had been allotted in this year's budget, but the work could not be taken in hand as I understand the plans and estimates were not sanctioned in time. I hope it will be taken up at once and shown as a work in progress. The matter is in the hands of the Public Works Department, and there appears to

be no difficulty in beginning the work before the rains and completing it also before the completion of the rains. I have proposed that this should be done and another Rs. 50,000, be provided in the next year's budget. A hostel for Muhammadan students is another item which also should be taken up at once, and if the sum for which I ask be provided in the next year's budget in 3 or 4 years' time the whole building will be completed. The Director of Public Instruction, who has recently inspected the college, will, I think, support my contention that this is an urgent necessity and that the Public Works Department should be asked to expedite the construction of these buildings.

I have suggested that the amount required for these buildings may be taken from the sum provided for the police buildings and the acquisition of land for the Medical College as the whole amount allotted for them may not be spent during the year. I see that although a sum was provided in the budget for the improvement of the Rajshahi College the whole amount has not been spent. As regards the acquisition of land for the Medical College, I submit that the present moment is not opportune as land would be cheaper later on—at present it is very costly. I think the sum which I propose for the Rajshahi College is not a heavy one and as the work has been taken in hand it should not be stopped now. If it be not possible to provide 3 lakhs in a year or two, it can be done by part contribution every year so that the work may be completed without great delay. It is a necessity as is known to the Director of Public Instruction and, I believe, Your Excellency will also bear me out that the development of the Rajshahi College is urgently needed. At present there are 800 students in the college and for 150 students only there is accommodation available in the hostels. With these few words I commend the resolution to the Council."

The Hon'ble Mr. O'Malley said :—

"My Lord, I think I can give the hon'ble mover an assurance which will satisfy him that there is no need for making a special allotment of Rs. 50,000 in the manner he proposes. The original project for the construction of hostels for the Rajshahi College provided for a single building to accommodate 250 students, but it was decided that it would be preferable to have five blocks each accommodating 50 students. The total cost consequently rose from Rs. 1,95,000 to Rs. 2,32,000 and the plans and estimates had to be revised. There was consequently some delay in proceeding with the scheme, but according to a report of the Public Works Department, which was received early last month, detailed plans and estimates were then nearly ready for technical sanction; revised administrative sanction has already been given. As soon as technical sanction has been given it is hoped to proceed with the work. The work is being treated as a work in progress in the Public Works Department budget for next year and altogether Rs. 60,000 (or Rs. 10,000 more than the sum mentioned in the resolution) have been provided for it. There is no necessity at present to augment the provision for the scheme, and the allotment suggested in the resolution would not have the effect of expediting construction. With this assurance I think the hon'ble mover may perhaps see his way to withdraw his resolution."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, after the assurance that has been given I do not think it will serve any useful purpose if I press this resolution. I note that a sum of Rs. 60,000 will be spent during the next year and that the work will go on and be finished as early as possible. I therefore ask for permission to withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

ITEM No. X.

The Hon'ble Babu Kishori Mohan Chaudhuri moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that Rs. 20,000 be provided in next year's budget for supplementing the fund offered towards the construction of an additional college building in the Rajshahi College at a cost of about Rs. 50,000 ; and

(*b*) that the sum be met from the allotment of Rs. 5,00,000 for payment to the District Charitable Society for land acquisition for a new almshouse in the suburbs of Calcutta under head "20—Police" and from the sums allotted for land acquisition for the Medical College, Calcutta, under head "45—Civil Works, Public Works Department."

He said :—

"My Lord, there is history behind this resolution. A few years ago a sum of Rs. 30,000 was offered (through the Rajshahi Association) by Raja Pramada Nath Ray of Dighapatiya and his brother, Kumar Basanta Kumar Ray, and a part of that sum was also deposited with the Principal of the Rajshahi College for the construction of a Hindu hostel. The sum offered could not be utilised as there was a proposal that a big hostel in five blocks would be constructed for accommodating 250 students. In that proposal there was a condition that the building, when constructed, should be named after the father of the Raja Bahadur of Dighapatiya. It was suggested that this sum was not necessary, but if anything be paid it must be so done by way of contribution to Government. When that communication was made and the money was actually returned, the Rajshahi Association submitted another proposal for the utilization of the sum offered by the construction of a college building to accommodate more students. There was a further proposal that M.A. and B.A. classes might also be opened and this building utilized for that. This was, however, not accepted at that time. Recently when the Hon'ble Mr. Hornell was at Rajshahi he said that an additional college building was urgently required even if the I.A. and I.Sc. classes were removed from the present college compound and no arrangements made for post-graduate studies. The existing building has not sufficient accommodation for all the classes. There was a talk whether the amount offered by the Raja Bahadur of Dighapatiya would be forthcoming or not and unless there was any prospect of getting it, it was thought that about half a lakh would be required for this additional building. It was suggested that we might try to realise the Rs. 30,000 originally offered, but, I think, it would not be possible to induce the Raja Bahadur of Dighapatiya and his brother to give the amount unless there is an assurance that it would be spent soon and the wishes of the donors complied with, that is, that the building would be named after their father. With that view I have brought forward this resolution. If Government will pay Rs. 20,000, there is every hope that the offer made a few years ago will be made good provided the additional building is proceeded with at once. Already there has been great delay and there is no knowing whether the money would be forthcoming if there be any further delay. As the construction of a building is urgenly required, I think it is a fitting opportunity to supplement the sum offered by a grant from Government of Rs. 20,000, so that the work may be taken in hand at once. This is a paltry sum, and it can be taken away without any detriment from the other works mentioned in my resolution. I trust that the much-needed

building operation may be taken up at once and completed within the course of the next year. With these few words I commend this resolution to Your Excellency's Government."

The Hon'ble Mr. Hornell said :—

"My Lord, a scheme for the development and improvement of the Rajshahi College buildings has been under consideration for the last ten years. But practically nothing has been done. Meanwhile the college has increased and the congestion in what may be called its instructional buildings has become serious. On the occasion of my recent visit to Rajshahi I suggested that the only way of tackling the immediate difficulties—difficulties of too insistent an urgency to be any longer ignored—was to construct an additional college building at a cost of about Rs. 50,000 and to construct it as soon as possible without prejudice to the general scheme of development. Some years ago, as the Hon'ble Member has said, certain zamindars of Rajshahi offered to place at the disposal of Government a sum of Rs. 30,000. This offer was first made with regard to the proposal to construct a Hindu hostel, but that project has since given place to a much larger project which is to be financed wholly by Government. The next suggestion was that this sum of Rs. 30,000 should be used by Government in developing the college and in adding to it M.A. and B.L. classes, but this offer could not be accepted. When I was discussing the matter at Rajshahi last month I pointed out that it would be very difficult, if not impossible, to provide in the budget for the coming year any money for this additional college building, but what I suggested was that if the donors of the sum of Rs. 30,000 would be willing to allow Government to use that money for the construction of this building without attaching any conditions, the great need of the college might be much more expeditiously met. I understand from the Hon'ble Member that the donors are inclined to accept that view, though they would not be prepared to agree unless they saw a reasonable prospect of Government contributing the additional sum necessary to complete the building. I also gather, though this is new to me, that the principal donor desires that the building, when completed, should be called after his father. As regards the last condition, I do not suppose there will be any difficulty. As regards the other condition, this is of course a proposal which has not yet been worked out in detail. I consulted the Executive Engineer and showed him what I required, and he assured me that a building of a more or less temporary nature to meet the urgent needs of the college could be constructed for something like Rs. 15,000, and he assured me that it would not cost more. If the donors of Rs. 30,000 are willing to let their money be used, and if Government, when the details are before them, can accept the proposal to construct the building, then the work can obviously be begun this year.

Government are of course unable to accept the alteration of the budget suggested, nor would it be necessary, because even if all the money were made available next year, it is very doubtful whether it could all be spent. Again, if Rs. 30,000 can be spent before the 31st March, 1921, on the construction of a building which is not to cost more than Rs. 50,000, then that will mean that by the 31st March, 1921, the bulk of the building will be completed and in that case it will probably be possible to find the additional Rs. 20,000 in the budget estimate for 1920-21. This means that the new building will be available for the use of the college before the opening of the academic session, 1921-22. While, therefore, it is impossible to accept the Hon'ble Member's resolution in the first place because this scheme has not been worked out and in the second place because it is impossible to alter the budget estimate in the way he suggests, I would assure him that his proposal, when worked out, will have my support, and I hope on this understanding he will not press the resolution further."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, I want to say a few words, but not on the merits of the Rajshahi College scheme. I paid particular attention to the needs of the Rajshahi College, as has been referred to by the hon'ble mover of the resolution, and I support the demand for increased accommodation both in the college as well as in the hostel. But there is just one matter that has struck me, which I will not have any opportunity of drawing attention to, and that is the course of the river. There is the Muhammadan school hostel, there is the Sanskrit college there, and if these institutions are removed and temporary accommodation found in other buildings for them, the education department as well as the engineering department may more carefully consider the question as to how the buildings ought to be situated, and whether anything can be done with regard to the taking of the road to the back of the library. The library and college buildings are now separated by a road. I myself thought that it would not be worse to place the houses nearer the river. That may be lost sight of when the accommodation question comes up and that is why I draw attention to it, and I hope that it will be borne in mind."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I am thankful to the Hon'ble Mr. Hornell for the reply he has given, and I thank the Hon'ble Sir Deba Prasad Sarbadhikari for the question which he has rised. The suggestion is a very practical one. It should indeed be considered whether there is any danger to the new buildings if constructed now. Of course the department will consider it, and as there is every hope that the matter will be sympathetically considered, I trust some portion of the building will be started this year and completed in the year 1921-22. I do not think it necessary to press the resolution, and I beg leave to withdraw it."

The motion was then, by leave of the President, withdrawn.

[At this stage, the Council adjourned for lunch.]

AFTER LUNCH.

ITEM No. XI.

The Hon'ble Babu Akhil Chandra Datta was to have moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that suitable provision be made in next year's budget for giving effect to the scheme already sanctioned for new buildings for the Comilla Faizennessa Girls' School and for raising it to the standard of a High English School ; and

(*b*) that this amount to be taken out of the sum of Rs. 5,00,000 provided for the reconstruction of Police buildings destroyed by cyclone, or out of Rs. 5,00,000 provided for the new alms-house.

The Hon'ble Member being absent, the resolution went by default and was deemed to have been withdrawn.

Rai Mahendra Chandra Mitra Bahadur.

ITEM No. XII.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 8,50,000 be spent for raising the salaries of all non-gazetted ministerial officers of this Government employed in Calcutta and the suburbs by raising their respective salaries by 50 per cent. ; and

(*b*) that the cost be met for next year by curtailing the expenditure on the following heads in the Financial Statement, viz. :—

	Rs.		Rs.
(*i*) Supply of boots and *munda* shoes to constables and head-constables ...	30,000		
(*ii*) Strengthening the cadre of sub-inspectors to replace probationers under practical training	1,29,000		
(*iii*) Replacement of the launch *Helen Henry* of the river police	27,000		
(*iv*) Contribution towards the construction of a floating emigration hospital at Goalundo	30,000	out of	40,000
(*v*) Grant of District Charitable Society for a new almshouse	2,50,000	,,	5,00,000
(*vi*) Survey Office building	1,00,000	,,	2,00,000
(*vii*) Land acquisition for servants' quarters, Medical College	1,50,000	,,	3,00,000
(*viii*) Extension of Civil Engineering College, Sibpur	34,000	,,	2,00,000
(*ix*) Reconstruction of police buildings destroyed by cyclone	1,00,000	,,	5,00,000
Total ...	8,50,000		

He said :—

"My Lord, the Hon'ble the Finance Member in introducing the Financial Statement for 1920-21 in the Imperial Legislative Council observed :—'The burden of high prices has been felt in a special degree by a large number of low-paid Government servants and both the Central and the Provincial Governments have been obliged to give large increases of pay either in the form of allowances or of a general revision of emoluments. The process of revising the pay of our establishments still continues and will be responsible for a heavy increase of expenditure in the coming year.'

Bearing that in mind, my Lord, I venture to put this resolution to-day and I hope it will receive support from all the Hon'ble Members. In connection with my resolution in the last Council meeting it was said by Sir Henry Wheeler that a scheme was already before the Government of India for the improvement of the pay of the menials, amounting to 17 lakhs (taken with what has already been done). But what about the non-gazetted ministerial officers whose case was not taken into consideration by the Public Services Commission? It has been said by the Hon'ble Member that relief has been given to those on pay below Rs. 50 and that the expenditure on that account is 3½ lakhs. It is no relief worth the name, and, as I have already remarked, is like a drop in the ocean.

Rai Mahendra Chandra Mitra Bahadur.

Its effect in individual cases is as follows :—

		Rs.	A.
A clerk drawing Rs. 20 gets ...	...	1	0
Ditto ,, 30 ,, ...	...	1	8
Ditto ,, 40 ,, ...	...	2	0
Ditto ,, 50 ,, ...	...	2	8

Is it a good deal that has been done according to the resources of the Government and the relative urgency of the cases? It cannot certainly be argued that those who have got no relief are quite well off and that their cases do not come under the category of 'urgency'. To accept my resolution has been found to be more than practicable. But how is it that a lump provision of Rs. 22,63,000 could be made in the budget of 1920-21 for giving effect to the recommendations of the Public Services Commission? There is no gainsaying the fact that those officers in whose favour the Public Services Commission recommended increase of pay are living more comfortably than the illpaid non-gazetted officers who are daily shedding tears because they are unable to feed and clothe their wives and children.

If finance were the only real difficulty one would expect menials to get relief first, ministerial officers next and superior officers last of all; but Government have provided amply for superior service men and have already taken up the question of giving relief to the menials and for some inexplicable reason left the non-gazetted staff to face the present economic crisis without attempting to give any real substantial relief to them. A sum of about Rs. 17,00,000 is given as salary to ministerial officers in Calcutta and in the neighbourhood, and if a general rise of only 50 per cent. of their respective salaries is given it would cost about Rs. 8½ lakhs. They would still have to face a deficit of 36 per cent. in the rise of prices of commodities.

There are, my Lord, numerous items for which provision has been made in the budget unnecessarily and lavishly. Why this provision of Rs. 30,000 for *munda* shoes to the constables who are recruited from the bare-footed coolie class? Is this a matter of extreme urgency? The provision of Rs. 1,29,000 for raising the reserve of Sub-Inspectors of Police is absolutely unnecessary, for the Police strength in Bengal is decidedly more than enough and a further addition to it seems inexplicable, and the extravagant provision for the Criminal Investigation Department officers and their office establishments is open to strong criticism. Without, however, quarreling over this matter, my Lord, I think this provision of Rs. 1,29,000 can at any rate be kept in abeyance till a better financial position is attained. There are other items noted in the second part of my resolution which can be curtailed without much difficulty.

We have been kindly informed by the Hon'ble Member that the Government are doing what they can in individual cases and will continue to do so. I am thankful to the Hon'ble Member for this, and I find that in some cases this has been provided for in the budget. But no general revision of pay of Government servants have been attempted to keep the promise of the Government during the year. I know cases in which representations by Government servants have been refused time and again without rhyme or reason.

My Lord, this question is engaging the attention of all the other provinces of our country. The other day the Hon'ble Mr. LeMesurier while introducing the Draft Financial Statement of Bihar and Orissa said that the Government of the said province contemplated a revision of the pay of all the ministerial officers of that Government and that the necessary calculations were being made. Of course, my Lord, the internal condition and needs of different provinces are different, but what strikes me now is that if in spite of

the necessities for the extension of activities in all the other departments the Government of Bihar and Orissa with an income considerably less than ours could make provision for increasing the pay of the ministerial officers, we could certainly do the same if we were a little more cautious to discourage extravagance in the various departments of our Government.

A reference to the report of the Director-General of Statistics shows that the prices of food grains have increased by 86 per cent. compared with pre-war prices, and it is cruel to keep the ministerial officers confined to their old pay. It may be urged by the Government that the distress due to the high prices is only temporary and relief will come when prices go down. But it is a condition which is not likely to be fulfilled in the near future. On page 29 of the Amended Draft Financial Statement Government have sanctioned an increase of the pay and prospects of the subordinate jail establishment in order to ameliorate present distress owing to rise of prices at the present time. This argument is equally applicable to ministerial officers. They are recruited from the intellectual and respectable classes of society and are really the back-bone of the Administration. Because of their respectable position, education and cultured ideas they cannot take to strikes as a means to an end like the Press employees and other Government servants of similar status, who have had their remunerations recently enhanced by Government.

In Calcutta, my Lord, the difficulties of these officers, are greater than elsewhere owing to the very high rents which prevail. They have to pay for everything they want at rates which are considerably higher than in the mufassal. The rates of articles published weekly in the official gazettes may not appear to be staggering, but everybody knows that nothing can be purchased by an average consumer at the rates quoted.

In several instances recently the Government in England as well as here have taken steps to prevent further rise of prices of the articles of the necessaries of life, but in no case has any appreciable relief been felt by people who work for a fixed income

These men are feeling the distress very acutely and as servants of the Government naturally look to Government for relief. Although relief is required by the entire body of these servants, if Government decide to afford relief only to those who work in Calcutta and the suburbs, a general increase at the rate of 50 per cent. would cost Government about 8½ lakhs only which is considerably less than the amount provided for the relief of the superior services.

The amount can be met either from the free provincial balance or by retrenchment of the heads specified in the second part of my resolution which I suppose will not be objectionable."

The Hon'ble Sir Henry Wheeler said :—

"This and the next resolution, although somewhat different in form, both deal with the same subject, and the general arguments bearing on the point are common to both. If I do not speak at length in reply to this resolution it is not because I do not realise that high prices are at the moment a source of considerable hardship to the ministerial establishments, as they are to every body else ; neither is it because I do not appreciate that the relief of these establishments is a subject on which certain Members of this Council are very keen, as indeed their persistency in moving resolutions amply shows ; but it is because it was only at the last meeting that I explained to the Council the arguments which had weighed with Government in considering this matter, and that explanation was merely in sequence to some five or six other explanations which I have given within the last year or 18 months. There is therefore very little new that I can say. As the

Sir Henry Wheeler.

Council is well aware, the argument that I previously put forward is that the present time is not opportune for a general revision of the pay of ministerial officers, partly because the conditions are abnormal, and partly because our knowledge as to our future financial position is extraordinarily vague at the moment. Therefore I have consistently deprecated taking this up now as a general subject and endeavouring to do something simply by a stroke of the pen. But I have given to the Council instances in which we have in recent months materially improved the prospects of ministerial officers, and I have said that as these cases come up from time to time we continue to take action in those which we consider most deserving of relief. These are the arguments which I put forward before, and these are the arguments which I urge to-day. The present resolution is almost touching in its simplicity. It asks for an increase of 50 per cent. all round. It is only a month ago that we raised the pay of the lower division of the Secretariat; it is only a few months ago that we raised the pay of others. Are they all to go up 50 per cent.? The minimum pay of our clerks is Rs. 40 and in the offices of Heads of Departments it is Rs. 30. We are now making enquiries whether we can raise that minimum in all offices to Rs. 40, since it is with the clerks on minimum pay that I have got most sympathy. If we raise the minimum of Rs. 40 by 50 per cent. then we shall have no clerk in Calcutta drawing less than Rs. 60, and considering that many of our men have not passed the entrance examination, I maintain that there is no business office in Calcutta that would accept a resolution of this kind. Again to raise all at once by 50 per cent. cannot possibly be justified. There may be individual cases deserving consideration, and, if they come up, they get it, but to enhance in every case cannot be justifiable. The Hon'ble Member in his speech maintains that we have not kept our promises, but considering that for the last 18 months I have been arguing *against* a general revision of clerks' pay, I cannot see how the maintenance of that attitude can in any way be considered a a breach of any promise.

Then we have the argument that as we have raised the pay of other services, the conditions of which were enquired into by the Public Services Commission, therefore we must logically raise the pay of ministerial officers. The Public Services Commission made a most protracted enquiry in a matter long over due for reform, and if their conclusions have been accepted in many respects as the result of infinite discussion and examination, I think we can safely maintain that they are justified on their merits. Neither does the example of other provinces move me very much. If conditions in Bihar are anything like what they were when I was a junior officer there, and rates were exceedingly low, I very much doubt whether, even assuming there has been any recent enhancement, the clerks now get as much as clerks in Eastern Bengal.

As regards the finding of money, the Hon'ble Member's suggestions are somewhat airily put forward. I will not deal with them at length, though there are one or two points that deserve a passing mention. The Hon'ble Member considers that giving boots and shoes to head-constables and constables is an unnecessary extravagance. If his heart bleeds for the troubles of poor clerks, I wonder it does not bleed still more for the troubles of still poorer constables. Shoes are part of the equipment of the Calcutta police. The proposal that we should pay for them came up as part and parcel of a very much larger appeal which the Commissioner of Police made on behalf of these men. We curtailed that demand very much, but realise that it was very hard to make these constables and head-constables pay themselves for the boots and shoes which we prescribe as part of their equipment. It is like asking an infantry regiment to find their own boots and shoes. As for the strengthening of the cadre of sub-inspectors, it is merely in order to put an end to the bad practice of treating sub-inspectors under training

as part of the sanctioned strength. They are in no sense part of the cadre, as they are unfit to undertake the full responsibilities of sub-inspectors, and treating them as part of the cadre merely means that others are deprived of leave. The replacement of a police launch is merely to make good one which is worn out. The improvement of the emigration hospital at Goalundo is a much needed sanitary improvement, designed to meet the needs of coolies going to Assam. I will deal with the matter of the almshouse at further length in connection with another resolution but money cannot be spared from that source. The survey office building is an overdue project, which if not put through rapidly will land us in a serious difficulty. I have mentioned the servants' quarters at the Medical College in connection with another resolution. The extension of the Sibpur College has met with the general approval of the Council, while the provision for police buildings destroyed by the cyclone, is only a part of the amount which will be needed. The total bill is some Rs. 20 lakhs.

Therefore, Sir, money cannot conveniently be found, and on the general grounds that I have again briefly referred to, I deprecate any attempt to make a sweeping all-round enhancement of the pay of ministerial officers. I still prefer to take individual cases as we are doing, to deal with the most urgent cases as they arise, and to give such relief as is possible to them."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I have listened to the speech of the Hon'ble Sir Henry Wheeler, and I must say that I am not convinced by the arguments which he has put forward in the Council against the resolution which I have moved. My Lord, the question for consideration is one of comparative urgency. Is it so very urgent to provide boots and Munda shoes to the constables? Let us take a practical view of the matter. Is it not a more urgent matter to make some provision for those poorly paid assistants? If a practical view be taken and the urgency of the question is considered, I am sure I can carry conviction to the Hon'ble Members that it is necessary for the sake of humanity that a civilised Government should provide some means for the relief of their poor assistants: The main issue in the case is whether the amounts which have been mentioned in the second part of my resolution could be curtailed without any inconvenience. We should not depart from that issue which is the subject matter for consideration, and I think that these amounts can be curtailed without any difficulty and relief may be given to the ill-paid assistants of Government. If the fact be, and I have put it before the Council, that these ill-paid assistants of Government are suffering much, if the fact be that they are without funds to provide for themselves, then certainly it is the duty of Government to give relief to them. Now, if we argue on the principle of analogy, then I submit, why is there this difference between the Jail clerks, and the clerks of other offices. Now on the ground that there is distress in that quarter, Government have very kindly come forward to remedy it. Why not argue on the same principle *mutatis mutandis* and give relief to these poor clerks on whose behalf I am pleading. Now, if you provide relief on the same grounds to some clerks, that is, on the ground of distress, then the Council ought to consider whether the same argument ought to be applied to the other officers of Government. We find that the menials have been provided for by the benign Government, we find that the officers drawing high salaries have been provided for by Government, why then should the case of these clerks be neglected? That is a position which I fail to appreciate. Hon'ble Members will kindly consider that notwithstanding the refusal of Sir Henry Wheeler to remove their distress at present, notwithstanding his arguments it is my humble submission to the Council that they will appreciate the difficulties in which these clerks are placed. If the clerks have to provide for their

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Council is well aware, the argument that I previously put forward is that the present time is not opportune for a general revision of the pay of ministerial officers, partly because the conditions are abnormal, and partly because our knowledge as to our future financial position is extraordinarily vague at the moment. Therefore I have consistently deprecated taking this up now as a general subject and endeavouring to do something simply by a stroke of the pen. But I have given to the Council instances in which we have in recent months materially improved the prospects of ministerial officers, and I have said that as these cases come up from time to time we continue to take action in those which we consider most deserving of relief. These are the arguments which I put forward before, and these are the arguments which I urge to-day. The present resolution is almost touching in its simplicity. It asks for an increase of 50 per cent. all round. It is only a month ago that we raised the pay of the lower division of the Secretariat; it is only a few months ago that we raised the pay of others. Are they all to go up 50 per cent.? The minimum pay of our clerks is Rs. 40 and in the offices of Heads of Departments it is Rs. 30. We are now making enquiries whether we can raise that minimum in all offices to Rs. 40, since it is with the clerks on minimum pay that I have got most sympathy. If we raise the minimum of Rs. 40 by 50 per cent. then we shall have no clerk in Calcutta drawing less than Rs. 60, and considering that many of our men have not passed the entrance examination, I maintain that there is no business office in Calcutta that would accept a resolution of this kind. Again to raise all at once by 50 per cent. cannot possibly be justified. There may be individual cases deserving consideration, and, if they come up, they get it, but to enhance in every case cannot be justifiable. The Hon'ble Member in his speech maintains that we have not kept our promises, but considering that for the last 18 months I have been arguing *against* a general revision of clerks' pay, I cannot see how the maintenance of that attitude can in any way be considered a a breach of any promise.

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As regards the finding of money, the Hon'ble Member's suggestions are somewhat airily put forward. I will not deal with them at length, though there are one or two points that deserve a passing mention. The Hon'ble Member considers that giving boots and shoes to head-constables and constables is an unnecessary extravagance. If his heart bleeds for the troubles of poor clerks, I wonder it does not bleed still more for the troubles of still poorer constables. Shoes are part of the equipment of the Calcutta police. The proposal that we should pay for them came up as part and parcel of a very much larger appeal which the Commissioner of Police made on behalf of these men. We curtailed that demand very much, but realised that it was very hard to make these constables and head-constables pay themselves for the boots and shoes which we prescribe as part of their equipment. It is like asking an infantry regiment to find their own boots and shoes. As for the strengthening of the cadre of sub-inspectors, it is merely in order to put an end to the bad practice of treating sub-inspectors under training

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The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I have listened to the speech of the Hon'ble Sir Henry Wheeler, and I must say that I am not convinced by the arguments which he has put forward in the Council against the resolution which I have moved. My Lord, the question for consideration is one of comparative urgency. Is it so very urgent to provide boots and Munda shoes to the constables? Let us take a practical view of the matter. Is it not a more urgent matter to make some provision for these poorly paid assistants? If a practical view be taken and the urgency of the question is considered, I am sure I can carry conviction to the Hon'ble Members that it is necessary for the sake of humanity that a civilised Government should provide some means for the relief of their poor assistants. The main issue in the case is whether the amounts which have been mentioned in the second part of my resolution could be curtailed without any inconvenience. We should not depart from that issue which is the subject matter for consideration, and I think that these amounts can be curtailed without any difficulty and relief may be given to the ill-paid assistants of Government. If the fact be, and I have put it before the Council, that these ill-paid assistants of Government are suffering much, if the fact be that they are without funds to provide for themselves, then certainly it is the duty of Government to give relief to them. Now, if we argue on the principle of analogy, then I submit, why is there this difference between the Jail clerks, and the clerks of other offices. Now on the ground that there is distress in that quarter, Government have very kindly come forward to remedy it. Why not argue on the same principle *mutatis mutandis* and give relief to these poor clerks on whose behalf I am pleading. Now, if you provide relief on the same grounds to some clerks, that is, on the ground of distress, then the Council ought to consider whether the same argument ought to be applied to the other officers of Government. We find that the menials have been provided for by the benign Government, we find that the officers drawing high salaries have been provided for by Government, why then should the case of these clerks be neglected? That is a position which I fail to appreciate. Hon'ble Members will kindly consider that notwithstanding the refusal of Sir Henry Wheeler to remove their distress at present, notwithstanding his arguments it is my humble submission to the Council that they will appreciate the difficulties in which these clerks are placed. If the clerks have to provide for their

children and families, is it not desirable that a civilised Government should give them something to allay their present distress? Is it not necessary for the Hon'ble Members to consider that? Provide the menials, provide the higher officers of Government if you like, but you should also provide for those who are really needy. The arguments advanced against this view, my Lord, I cannot appreciate, and that is the reason why I have thought it necessary to trouble the Council three or four times, that is why I wish that the amounts which have been budgetted against the several items mentioned in the second part of my resolution should at present be postponed. I think Hon'ble Members should consider the matter seriously.

Those who are acquainted with the position of these ministerial officers know that they are really in distress and I am sorry to find that no one listens to their cries. Even the Hon'ble Sir Henry Wheeler cannot be persuaded to accept the statement which I have made. If the figures which I have brought to his notice be accepted, what will then be the conclusion? It is this that relief ought to be given to the clerks, but I cannot say further than that.

In reply to the Hon'ble Sir Henry Wheeler's observation about relief being given to some of these officers that is inadequate. All I need say is that on account of the economic distress these officers are coming to Government for relief. The old pay which was previously fixed was based on various considerations. I would refer the Hon'ble Member to the position of these officers at the time when the Regulation Law was in force and the Government of that day in consideration of the price of foodstuffs, thought it necessary that a small sum should be given to the assistants of Government. Things have changed and Government ought to consider the question of the pay of these clerks, and in fact we find that some time in the eighties a Commission under the supervision of Mr. Beames was appointed and the result was—I am referring to the Commission's report—that at that time consideration was taken as to what work was done by these officers as well as of the price of foodstuffs at that time. But is it right that the pay—the old pay which was fixed some years ago before many of us were born—should be stuck to when the officers themselves are coming to the authorities to state how matters stand? My Lord, with all respect and with all the emphasis which I can command I submit the case of these clerks ought to be taken into consideration now. Hereafter if economic distress is alleviated there will be no necessity for relief."

The motion was then put and lost.

ITEM No. XIII.

The Hon'ble Babu Surendra Nath Ray moved the following resolution:—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 10 lakhs, or such sum as might be necessary, be allotted for granting 2 months' bonus to all whole-time permanent servants of Government in superior service (*i. e.*, those who are not menials) and who draw a pay of not more than Rs. 100 per mensem; and

(*b*) that the expenditure be met by effecting reduction in the Budget Estimates under the head "Civil Works," and also from the amount allotted for temporary additional force in the Criminal Intelligence Department.

Babu S. N. Ray.

He said :—

"It needs no speech from me to impress upon Your Lordship's Government that the price of articles of food have risen very considerably, some by about 50 per cent. and some by about cent. per cent. Cloth has gone up in price by about 150 per cent. From a statement made in this Council a week ago it appears that the general average prices of staple articles, which generally enter into an Indian family budget, have risen since July, 1914, by 68 per cent. in September, 1919. There has been, according to the report of the Rent Committee, an increase of at least 50 per cent. The poor clerks who are employed in Government service are all hard hit by this economic condition. The pay of many of the highly paid Government servants, whether of the Indian, Provincial or subordinate service, have recently been increased by a decent amount. By a resolution of the Government of Bengal, Finance Department, dated the 12th June, 1919, Your Lordship's Government gave some relief to all Government servants (including police officers) drawing over Rs. 12 and not more than Rs. 50 a month in the shape of special monthly war allowance. But unfortunately the amount of that allowance is very small. It does not bear more than a microscopic proportion to the increased cost of living. Everybody feels the difficulties of one who has to make two ends meet with the limited means at his disposal. We fully recognize that there is no knowing what the Reforms Scheme would cost and in what way the financial relations between the Government of India and Your Lordship's Government would be settled. We also recognize that the Government have been pleased to raise the pay of subordinate assistants in some of the departments whereas some services or departments have been altogether left out. When we take into consideration that in spite of these difficulties the Government have been able to provide for recurring additional grant of about 11 lakhs of rupees to meet the increased pay of the members of the various Indian and Provincial services, in some instances even going beyond the recommendations of the Public Services Commission, when we see that Your Lordship's Government have been able to provide a sum of another 11 lakhs of rupees for increasing the pay of the menials, we think we ought to approach Your Lordship's Government for some consideration for the subordinate staff of the Government.

Within the last few days the Bihar Government on their own initiative not only increased the pay of the menials and subordinates but stated that they have in contemplation a revision of the pay of the ministerial officers as soon as the necessary calculations had been worked out. It was further stated that the matter would be taken up early in the coming financial year and that it was probable that an officer would have to be put on special duty for the purpose. Pending his report and the passing of orders thereon it was proposed to continue and very possibly to increase the temporary allowance now being given to ministerial and subordinate officers. If the Bihar Government, which has only a precarious existence amongst the Governments of this country, can go so far, we can fairly ask Your Lordship's Government to contribute its dole to the poor clerks and employees in the subordinate departments of the Government.

I think Your Lordship's Government will be pleased to see its way to accept my modest resolution. My Lord, I have not purposely asked for a recurring grant for increasing the pay of the subordinate staff of Government officers because I do not want at the present unsettled state of the finances of the Presidency that there should be any permanent recurring charge. But pending permanent improvement in the lot of the various grades of public servants in the subordinate departments of Government something should be done to relieve the unusual financial strain to which they are now subject

Sir Henry Wheeler; Babu S. N. Ray: The President.

A contented servant is bound to prove more efficient than one who is tormented by gnawing cares and anxieties. It would therefore be to the self-interest of Government to be humane and charitable in the present instance. I think a grant in the shape of bonus of two months' pay to these people would be some relief and which would be greatly appreciated.

The amount of this expenditure may be found by effecting a reduction in the budget under Civil Works."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, it must be obvious to the Hon'ble Member that the remarks I have just made are practically equally applicable to the resolution which he has moved. The only difference between his resolution and that of the Rai Mahendra Chandra Mitra Bahadur is that this proposes a slightly smaller enhancement of about 16 per cent. against 50 in the case of men on less than Rs. 100, but on the other hand it covers a wider field as it is not restricted to Calcutta alone. However, considering that the estimated cost is Rs. 10 lakhs against Rs. 8½ lakhs, it is obvious that there is no material difference between the two proposals. Neither can I accept the contention that this proposal is one for non-recurring expenditure, while the other is of a recurring nature. If it is accepted in this form and on the grounds that are urged, we shall practically have to admit it again hereafter. As a matter of fact, we did quite recently consider the possibility of giving a bonus of a month's pay in connection with the Peace Celebrations, and we came to the conclusion that we could not find the money; that was a matter of only one month's pay, and I am afraid for the same reasons we cannot accept a proposal for a bonus of two months' pay. It is not that we have any desire not to do our best for these ministerial officers, and I think that Rai Mahendra Chandra Mitra Bahadur is slightly hard upon us in his failure to recognize the many enhancements which we have given and are giving. But my point is that it is preferable to deal with the urgent cases as they arise, and not to hold out a hope of a general all-round enhancement of the kind contemplated in these two resolutions."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, the Hon'ble Sir Henry Wheeler has said that if we grant two months' pay as bonus to the subordinate staff that will be some precedent hereafter for increasing their pay: but my argument against that is that the price of foodstuffs may come down in a year or so and if the price comes down nobody will ask for these bonuses. Government might then very well say that it was only under extraordinary circumstances and an extraordinary rise in the price of foodstuffs that this grant was made and now that the normal conditions have come back we cannot accede to your prayer. This is all, my Lord, I have to say with reference to this resolution."

The motion was then put and declared lost. The hon'ble mover asked for a division, but subsequently withdrew his request.

The President said :—

"Hon'ble Members must first make up their minds before calling for a division. In future once a Hon'ble Member calls for a division I shall not

Babu Kishori Mohan Chaudhuri.

ITEM No. XIV.

The Hon'ble Babu Kishori Mohan Chaudhuri moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that suitable provision be made in next year's budget for starting an agricultural vernacular school at the Rajshahi experimental farm ; and

(*b*) that the sum required be met from the allotments made for a sericultural nursery at Bholahat and for the construction of four district agricultural farms under head "26A—Agriculture".

He said :—

"My Lord, so far as I understand, the experimental agricultural farms are not doing much useful work. If proper arrangements could be made for bringing home the important knowledge of improved agricultural methods to the cultivators then and then only can real improvement be expected. This year two agricultural classes have been opened, one at Dacca and another at Chinsura. I understand four experimental agricultural farms have been provided for in the next year's budget. At Rajshahi the Rajshahi Association made over about 200 bighas of land for the opening of the farm there. It is in working order for several years and Mr. O'Malley, who was for a long time there, will be able to say whether it was able to do any useful work. There is no provision for taking apprentices there. Really what is being done there by the officers is not communicated to the cultivators and the cultivators derive very little benefit from the farm. They simply know that in a few katas or bighas of land some experiment is being made which may be successful in the farm, but if it is carried out in practice elsewhere nobody knows.

A sericultural nursery is going to be opened at Bholahat in Malda. It is in a flourishing condition there, but I do not know whether sericulture would be able to cope with the jute cultivation or other forms of agriculture which are more paying. At Rajshahi sericulture was in a flourishing condition, but it is dying out at present. There is a sericultural school at Rajshahi, which turns out 12 students annually, who, when they pass their examination, are paid Rs. 250 and are given a microscope each to start nurseries in their own home or wherever they like. In this way something is being done for the spread of sericulture, but I greatly doubt whether it is advisable to spend a good deal of money upon it at Bholahat. At Rajshahi where there is a school something is being done by the people as well. Government have now decided that gradually some agricultural schools would be started where the sons of cultivators would come and be trained in the practical method of improved agriculture. If they derive much benefit from the instruction they receive there, they on return to their homes would be able to follow it up in their own farms. That would certainly be useful work, and it would be better than the mere starting of new nurseries and spending a good deal of money over them. If it is thought necessary to give a impetus to the growing cultivation of mulberry at Malda more aid can be given to it, but merely opening out nurseries, like the one at Goari, where none is needed, for the spread of sericulture means only a lot of money for comparatively less useful purpose. I have already submitted that real work would be done by the agricultural schools and in these schools sericulture can be taught as a branch of agriculture. I, therefore, propose that, as this year two schools have been arranged for, another school may be started at the Rajshahi Agricultural Farm and suitable arrangement may be made for the

purpose. It is difficult for me to mention the amount that would be required for the purpose. Whatever may be the amount, I think it would very usefully be spent on an agricultural school on a vernacular basis, and the cultivators would be very greatly benefited by it. Government have decided to spend a large sum of money on agriculture—a portion of this may be taken out for this useful purpose. With these few words I commend the resolution to the Council."

The Hon'ble Mr. Cumming said :—

"My Lord, as I understand the Hon'ble Member, he desires that a new agricultural vernacular school should be started in the Rajshahi district at the existing farm belonging to Government at Rampur-Boalia. He considers that sericulture can be taught there also; and thus the necessity for starting a sericultural nursery in the Malda district, for which an allotment has been made, would be obviated. I regret I cannot understand the hon'ble gentleman's position. He says that the vernacular schools, which have been started, are not doing much useful work. What are the facts? When the idea of creating these schools was mooted by the Bengal Government, it was on its own initiative. There was no particular request from the public. I regret that the two schools which were suggested by Government, one in Eastern Bengal and one in Western Bengal, have not materialized more quickly. However, one has been started so lately as the middle of January last, and one is still under construction. I therefore fail to see how he can draw any inference from the experience gained from these two institutions.

Your Excellency has stated on no fewer than three occasions what the policy in connection with these schools is. It has also been stated in a public *communiqué* that the object of the vernacular schools is to provide boys of the agricultural classes with a more specialized form of instruction in agricultural subjects than they can receive in their own homes or derive from their experience. Your Excellency has also stated that it was impossible yet to say whether such schools will justify themselves, and that it is too early therefore to consider any expansion of the experiment. That was said at Serajganj. Your Excellency later at Rampur-Boalia stated that Government were establishing these schools as an experimental measure and that, until experience has proved that such schools are justified by results, it is premature to extend the experiment. Again, on a third occasion lately at Suri, Your Excellency further stated that before extending the system of agricultural vernacular schools we must await the results of the experiments which are now being made at Dacca and Chinsura. In view of these pronouncements, Sir, I fail to see that it would be advisable to start another school, as the Hon'ble Member has suggested, at Rajshahi. Indeed, if there was any question of starting another school on these lines in the course of the ensuing year, personally I should be inclined to give the palm to another district, not to Rajshahi.

As regards the general development in this province of this form of vernacular education, which, as I have stated, is still in its infancy, I may say that Bengal compares not unfavourably with any other province with the exception of Bombay. In Bombay the circumstances are peculiar and different; as is shown not only by the literature on the subject, but by the reports of those officers from Bengal who have gone to Bombay to obtain advantage from such experience as they could gain there.

So far, Sir, for the substantive part of the resolution. As regards the question of a sericultural nursery at Bholahat, which the Hon'ble Member considers to be unnecessary and to be unremunerative, he has stated that

sericultural nurseries in the Malda district are in an experimental stage. I have visited the locality, and I emphatically deny that assertion. I have known the history of sericultural work in the province for upwards of 15 years; and can say that within the last 5 years there has been an enormous advance. The argument of the Hon'ble Member should not appeal to the members of this Council, when they learn that there has been a steady increase in the amount of receipts and that within the last year there has been an increase of half-a-lakh of rupees from the sale of pure seed. Therefore, if we have in this district of Malda schemes which have already justified themselves, I think it is perfectly reasonable that Government should continue on the same lines. Again, regarding the matter of the four district agricultural farms to which the Hon'ble Member does not desire to give money during the ensuing year, I can only say that the increase of such farms is a policy which, notwithstanding what the Hon'ble Member has said, has met with general approval throughout the province. At the present moment we have no fewer than nine Government farms. We have also got three farms in private proprietorship which are under the supervision of Government. There are three more which are in hand at present; and it is proposed, as the estimates show, to make a start with four more in the ensuing year. As was stated in the resolution concerning the Agricultural Department issued in June of last year, it is the object of Government to have one farm at least at the headquarters of every district; and it is in accordance with that policy that provision for these four farms has been placed in the estimates which we have before us. For these reasons, my Lord, I suggest that the hon'ble mover is not on good ground in suggesting that instead of following up experiments which have already justified themselves we should advance on lines which have not yet justified themselves. I therefore ask him whether he would be prepared to withdraw his resolution."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I have already submitted to the Council that it is to be seen whether the agricultural farms which are already in existence in the province are doing really useful work in imparting knowledge of improved methods of agriculture to cultivators. The real issue is whether Government should support these experimental farms only, or should support agricultural schools as well. I have heard that two of the schools are not yet in full working order, but I submit that the time has not yet arrived to judge what these schools can do. Arrangements are being made in another direction to impart knowledge in improved methods of agriculture by the starting of a Board of Agriculture, and I think the cultivators will derive more benefit from this than from farms. As I have submitted, the time has not yet arrived for judging the works of these schools already started, and therefore I submit that money should be taken away from the sericultural nurseries which, as a matter of fact, have not done much for the spread of agricultural education. In these nurseries only seeds are prepared and sold. I know that at Rajshahi sericulture is declining, but in Malda it is improving, and this question ought also to be seriously considered in this connection. Therefore I submitted that more money should be given to Rajshahi where it is most needed. If we are to do something towards agricultural education, we must start agricultural classes in connection with primary schools or M. B. schools. In that way we can do something for the spread of agricultural education. As for experimental farms I think they do not properly benefit the cultivator. My submission is that Government should not spend more money on experimental farms at present, and reserve some money for the starting of agricultural schools. In that way cultivators will be more benefited, so I do not think it would be proper for me to withdraw the resolution, and I press it for the consideration of the Council."

Division.

The motion being put, a division was taken with the following result :—

Ayes—3.

The Hon'ble Rai Radha Charan Pal Bahadur.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Kishori Mohan Chaudhuri.

Noes—32.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Sir Charles Stevenson-Moore K.C.I.E., C.V.O.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. A. Marr.
" " Mr. M. C. McAlpin.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Mr. C. F. Payne.
" " Khan Bahadur Maulvi Aminul Islam.
" " Mr. S. W. Goode.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Sir Nilratan Sarkar, KT.
" " Mr. C. D. M. Hindley.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. M. Cathcart.
" " Mr. Prevash Chunder Mitter, C.I.E.
" " Babu Siv Narayan Mukharji.
" " Kumar Shib Shekhareswar Ray.
" " Mr. Arun Chandra Singha.
" " Rai Debender Chunder Ghose Bahadur.
" " Mr. W. O. Grazebrook.
" " Mr. W. H. Phelps.
" " Mr. G. A Bayley.
" " Khan Sahib Aman Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Surendra Nath Ray.

The following members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.
" " Mr. Aminur Rahman.
" " Raja Hrishikesh Laha, C.I.E.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Sir Deba Prasad Sarbadhikari, KT., C.I.E.
" " Mr. R. M. Watson Smyth.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Mr. Ashraf Ali Khan Chaudhuri.
" " Maulvi A. K. Fazl-ul-Haq.
" " Babu Bhabendra Chandra Ray.
" " Mr. Altaf Ali.
" " Babu Akhil Chandra Datta.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.

The *Ayes* being *3* and the *Noes 32* the motion was lost.

Rai Radha Charan Pal Bahadur ; Mr. P. C. Mitter.

ITEM No. XV.

The Hon'ble Rai Radha Charan Pal Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 50,000 be provided for a pasture ground in the vicinity of Calcutta ; and

(*b*) that the amount be met by reduction of the provision of Rs. 2,00,000 for survey office building under "45—Civil Works—Public Works Department."

He said :—

"My Lord, the subject which I am about to bring before the Council is not a new one ; it has been discussed four or five times in this Council, and I believe three or four times in the Imperial Council. My present resolution confines the question to the area in the vicinity of Calcutta. The object is to improve the milk supply of Calcutta. Lands for grazing grounds have been steadily diminishing in Calcutta and its vicinity, and the condition of the cattle has been steadily deteriorating, and the question has now become one of very great importance, to which the attention of the Government should be drawn. The Corporation of Calcutta for some years have been devoting their attention to this subject. They prepared a scheme for the establishment of a dairy farm, but as the Government is aware, on account of legal difficulties, that scheme had to be kept in abeyance. The main difficulty is not only the legal difficulty, but also the lack of pasture ground in the vicinity of Calcutta. Added to that is the high price of fodder. Having regard to these facts, I think that the Government should reserve a grazing ground near Calcutta. I do not of course mean reserving ground near Maniktola or Cossipore-Chitpur, but a place somewhere on the Eastern Bengal or East Indian Railway line, from where the milk supply of Calcutta can be brought in within a few hours' time. I may also mention that I do not confine myself to one grazing ground but as many as can be provided both in the northern and southern quarters. I only require Rs. 50,000 to be set apart for this purpose. This question was discussed in 1918, when Government decided to reserve grazing ground in Government estates and in other places. In the vicinity of Calcutta there are still *patit* lands available, but I am afraid at the rate they are being reclaimed now, in a few years' time there will not be land enough to start a grazing ground, and hence my proposal is to reserve certain lands from now. I therefore move this resolution for acceptance."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, so far as this resolution serves the purpose of drawing the attention of the Council and of the Government to the necessity of improving the milk supply of Calcutta—a question of great importance—I welcome it, but I am afraid the remedy proposed by my hon'ble friend is not very practical. The amount proposed will not serve much practical purpose, but above all what will he do after the grazing ground is acquired, who is going to take advantage of it? If it is the neighbouring *goala*, then I expect very little good. I press for an enquiry and suggest some lines. Your Excellency's Government is aware that by the extension of the co-operative movement in the northern suburbs, some benefit has been derived. There is also the Corporation scheme which, although abandoned by the Corporation of Calcutta, could be taken up by it along with the suburban municipalities after necessary legislation. The question is of such importance that it requires careful consideration at the hands of Your Excellency's Government, and I hope it will have that consideration."

Rai M. C. Mitra Bahadur; Rai D. C. Ghose Bahadur.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I beg to support the resolution. This question of provision of pasture land is an old one and nothing in the shape of a tangible scheme is before the Council. The previous discussions on the subject were of no avail. Your Excellency's Council have been informed that there are legal difficulties in carrying out the scheme in the heart of the Corporation. If such a resolution is vetoed by the Council then in my opinion nothing can be done for the supply of good milk to Calcutta. The chief reason for the deterioration of the milk supply is the high price of fodder, and we know this from our own experience. In Calcutta every one experiences the difficulty of getting fodder at a reasonable price, but in the mufassal this difficulty is obviated. The question is How is this difficulty to be solved? I think there ought to be not only one pasturage ground for Calcutta but several, and the Hon'ble Mr. P. C. Mitter says that lands are to be acquired under the Land Acquisition Act and effective steps are needed in this connection. If we defer the matter to some future date the difficulty is not solved, and it is therefore that the Hon'ble Rai Radha Charan Pal Bahadur submits for consideration his resolution on the subject and urges that a plot of land or different plots of land be taken up for the purpose of pasturage. I trust if Your Excellency's Government will take into consideration the gravity of the situation you will accept the resolution moved by my friend. In the mufassal the same difficulty was experienced, and we could surmount it as there we were in a much better position than Calcutta, because we have large fields where we could graze our cattle. Even in the mufassal it has been suggested that local bodies should provide pasture grounds. It is advisable that speedy steps should be taken for the provision of pasturage lands in the vicinity of Calcutta."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I too support the resolution. It may not be possible to work it out properly at the present moment, or the amount mentioned in the resolution of my friend may be considered insufficient for the purpose, but the resolution serves one purpose—it ventilates the idea of securing pasture lands in convenient places for the improvement of cattle. Therefore even if there be no immediate benefit from the resolution were it accepted, it will have some ulterior effect which has much to recommend it. It is in this view that I have ventured to give my support to the resolution. But I want to correct one mistake which seems to have crept in in the speeches of the preceding speakers, namely, that the milk scheme of Calcutta was abandoned because a legal difficulty was raised. The Corporation of Calcutta knew that under the existing law the scope of their activities is limited, but believed that the new Calcutta Municipal Bill, which was then before the Council, might contain a clause empowering them to carry on a business of this kind, that is, the business of milk supply. That idea was in the mind of the Hon'ble Mr. Payne, who was probably responsible for the scheme in connection with which he visited certain outlying tracts. Then, my Lord, it is not true that Calcutta has no grazing ground. We have a grazing ground very near Government House, that is the maidan. It is used for the purpose at certain hours of the day when it is not frequented by the people, and I should imagine that in view of the fact that we have such breathing places as the maidan, these might be utilized not only as recreation grounds but also as grazing grounds for cattle. It was with this idea that the Corporation started the proposal of a recreation ground to be called the Shambazar Park in the northern part of Calcutta. This was about ten years ago, but then the Improvement Trust, which came into existence, said that they would take up this question. I do not know what prevented them from carrying out the scheme. Whenever I make an inquiry I am told that land

acquisition proceedings will be taken. I know that land acquisition proceedings take only six weeks, but I fail to understand why the scheme, which is hanging fire for about ten years, cannot be carried through. I understand that the Revenue Department of Government previously raised some objection as to giving away some of the khas mahal lands which fell within the scheme. They have now given these up, then why is this delay? I am told that as this is not a street scheme the Improvement Trust will have to pay the statutory allowance, under the Land Acquisition Act, of 15 per cent. over and above the market price to the owners for the acquisition of lands for the purpose of a park. I am not inclined to believe this, though it is true that the scheme is not progressing. The resolution will have served its purpose if it in any way accelerates the acquisition of land for the purpose of a public recreation ground. If Government help the Improvement Trust in providing for a public recreation ground, which will also be used as a grazing ground, the suburban municipalities may be induced to provide such recreation grounds. It is very difficult to acquire lands as suggested by the Hon'ble Mr P. C. Mitter. It requires the payment of money all over the province and some legislative measure has to be undertaken for the promotion of such a scheme."

The Hon'ble Mr. Phelps said :—

"My Lord, I had no idea that the discussion will take such a turn. One of the most detestable things is the spirit of mendicancy, either private or public. This matter of the milk supply of Calcutta has been engaging the attention of the Calcutta Corporation, to my certain knowledge, for the last 18 years; many schemes have been brought forward and have all ended in failure. Some two or three years ago it was thought that we had come to something reasonable, and the present Chairman, Mr. Payne, exerted himself very considerably over the matter so that the milk committee of that time induced some wealthy Marwari gentlemen to put down Rs. 10 lakhs in order to start a pasturage and dairy farm That was certainly a manly, straightforward and honourable course for people who wanted to benefit the State to take up. There was no mendicancy about that and the Corporation was permitted to do the best they could, but I am sorry to say that when the time came for these Marwari gentlemen to put their hands in their pockets nothing was to be found at all. In this way not only that scheme but several others failed. It seems to me, Sir, that what is wanted now-a-days is that Government should help people who cannot help themselves. As a self-respecting member of the Corporation I resent any appeal to Government for assistance in this manner unless I misunderstood my friend, the Rai Radha Charan Pal Bahadur. If I misunderstood him I beg his pardon. I understood him to mean to ask the Government to take up certain land outside Calcutta at a cost of Rs. 50,000 with the object, I presume, of making a present to the Corporation. I feel sure that the proper thing for the Corporation to do is to move in the matter themselves and not to appeal to this Council for assistance like a mere charitable institution. If we cannot help ourselves we have no right to ask for help from others. Wealthy and powerful as we are as a Corporation we ought to be ashamed to come to the Government for help like a poor little village union. We ought to do these things ourselves. I should like to remark that if one-twentieth or one-fiftieth of the money that is being wasted—wickedly wasted—in raising the price of lands in Calcutta unnecessarily had been put into some useful object like the securing of pasturage or a dairy farm for Calcutta, it would have redounded to their credit. As it is, it is to their disgrace because at present taking advantage of their wealth certain men have made it practically impossible for a middle class man to get a suitable house."

The President ; Mr. Phelps; Babu Kishori Mohan Chaudhuri; Mr. Cumming.

The President said : —

"Order, order. The Hon'ble Member must not discuss the question of high rents at present."

The Hon'ble Mr. Phelps, continuing, said :—

"I beg your pardon, Sir. I meant to say that if this wealth had been diverted in an honourable manner for providing pasturage for Calcutta it would have redounded to their credit."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord. I support the resolution and on a former occasion I spoke at length on this very question. It is not necessary to repeat those arguments again. To my mind it is the State that ought to provide for the land. It is difficult for individuals to arrange for any large piece of land for grazing purpose and, whatever may be the opinion of the Hon'ble Mr. Phelps, I think that, without Government help, nothing can be done for the acquisition of an extensive piece of land for the use of the people of Calcutta. The milk supply ought to be provided for. The maidan, I understand, is not sufficient for the purpose of grazing cattle, and although some attempts had now and then been made by the Corporation and other private individuals nothing could be done. For this reason I think that the land question should be solved by the Government and the manner in which the land should then be dealt with can be considered later on."

The Hon'ble Mr. Cumming said :—

"My Lord, the Hon'ble Member who has moved this resolution has done so obviously for the purpose of drawing public attention to the defects in the milk supply of Calcutta. I am quite in accord with him and other Hon'ble Members who have spoken that a ventilation of this subject is right and proper ; but I disagree with him and the Hon'ble Babu Kishori Mohan Chaudhuri, and I agree with the Hon'ble Mr. P. C. Mitter and the Hon'ble Mr. Phelps, that the remedy proposed in the resolution is unsuitable. No one can deny that increased pasturage not only in the vicinity of Calcutta but throughout Bengal would be better for milch cattle in this country. On this subject, as the hon'ble mover has mentioned, there have been frequent discussions not only in this Council but in the Imperial Council, on no fewer than three times in the Imperial Council and five times in this Council. Nevertheless, notwithstanding all this discussion, I am afraid that the Hon'ble Member is under a misapprehension if he thinks that at any time during these debates the principle was ever accepted that land should be acquired for pasturage at the expense of State funds to be provided by the general tax-payer. That is a proposition which has never been accepted by Government, and on behalf of Government I do not accept it on the present occasion. It is true that one Hon'ble Member has indicated the difficulty of acquiring land in any quantity without reference to the Land Acquisition Act. But that is not the point here. The point here is the furnishing of Government funds for the purpose of the acquisition of pasturage land.

As regards the milk supply of Calcutta, we have recently had a very useful and interesting analaysis of the existing arrangements made by Mr. Donovan, Registrar of Co-operative Societies in Bengal. In a public lecture he recently placed before the Calcutta public the defects in the existing arrangements, and he pointed out that these defects were chiefly the result of bad management which to some extent could be rectified. He pointed out, moreover, how the adoption of co-operative methods had effected an

improvement not only in quantity but in quality. I also agree with the suggestion which has been made that when any more open lands are acquired by the existing public bodies, the question of utilizing them for grazing purposes as well as for recreation should be considered. Finally, as regards the question of the powers of the Corporation and the attitude of the Calcutta Corporation towards this subject, the Hon'ble Mr. Payne, the present Chairman of the Corporation, has informed the Revenue Department that the Corporation scheme for milk supply is at present awaiting the anticipated amendment of the Calcutta Municipal Act.

These are three possible lines of advance; but, as the Hon'ble Mr. Phelps has correctly pointed out, the problem is primarily one for the Corporation. Government appreciate all the difficulties, but they cannot accept the principle that land should be provided by the general tax-payer for the purpose.

As for the reappropriation suggested in the hon'ble mover's resolution, it was, if I mistake not, not even mentioned by him in his speech. Hon'ble Members will see that it is a suggestion to take away 2 lakhs from the provision for a new survey office building in Calcutta. My hon'ble colleague, Sir Henry Wheeler, has already directed the attention of the Council to this entry in the estimates. Speaking on behalf of the Revenue Department, I can say that we are being driven out of our present tenancy. We have arranged during the present year to secure land for a new building, and we have made arrangements during the next year to construct a building for the Survey Department. The sooner we construct a new building the sooner we shall avoid the very high monthly rental, which we are being called upon to pay in order to get temporary accommodation in the meantime. For these reasons, Sir, I suggest that the substantive part of the resolution should be rejected, and that it is not practical to adopt the reappropriation mentioned in the resolution."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I think the situation has not been clearly understood. In the first place there is no question of mendicancy. Mr. Phelps, with rather unusual warmth, deprecated mendicancy. I do not know where the question of mendicancy comes from the resolution which I have tabled, before this Council. My proposition is a simple one of providing grazing grounds in the vicinity of Calcutta, and indirectly although it will benefit the Corporation it is not merely the Corporation but also the people outside the city of Calcutta who will be benefited. When the Corporation took up the question of the milk supply in Calcutta, and when their proposals could not be given effect to owing to legal difficulties, there was no proposal to ask for grants from Government. We all know that people from outside Calcutta, after meeting the local supply, send their surplus milk to Calcutta. It is very reasonable to expect that they should have grazing grounds for their cattle. There is no question of mendicancy in it. No doubt Mr. Phelps, from his point of view, is quite right in saying that so much land might have been more usefully developed, if money had been spent in that direction. My hon'ble friend has done well to take the lead in the matter by launching land developing companies, why could he not do the same in the matter of milk supply? Example is better than precept. However, that is another matter. My hon'ble friend, Mr. Mitter, has stated that this is a question which ought to engage the attention of Government, but he says that Rs. 50,000 will not be adequate for the purpose. My object in mentioning a particular sum of money was only to draw the special attention of Government to this matter because unless the question is taken up by Government nothing will be done. I have also mentioned a particular area for this purpose, and if it is necessary I am sure the Calcutta Corporation will not be behindhand in contributing to the scheme.

I repeat there is no mendicancy in it. It is in the fertile brain of the Hon'ble Mr. Phelps. He thinks so much of land speculation and wicked rent transactions that he cannot but imagine that every resolution that is moved in this Council is wicked.

Coming to the Hon'ble Mr. Cumming's reply, I find that it is stated that the Government never promised that they would provide pasture land. That is quite correct, but indirectly the Government is bound by a promise, in that they said that they would offer facilities for the provision of pasture ground. There are Government estates and Government khas mahal lands in the vicinity of Calcutta, and I think some of this may be utilized as pasture grounds. I do not want to tire the Council by quoting the Hon'ble Mr. Kerr in reply to some of the questions which were put in this Council. It was stated that so far as Government khas mahal lands were concerned, Government were quite prepared to reserve certain quantities of land for grazing purposes. Therefore, in a manner, Government have promised to provide grazing ground. The question has been discussed both in the Imperial Council and in this Council, and has not been decided in any practical way, but I believe I can safely urge Government to redeem their pledge in this connection. That this question has been so often discussed in this Council as well as in the Imperial Council is sufficient proof that public opinion is very much interested in the matter and desires that Government should pay attention to it."

The Hon'ble Mr. Cumming said :—

"Sir, I should like to mention one matter with reference to what the Hon'ble Member has just said. The action of Government in providing grazing grounds in Government estates is in its capacity as zamindar. It is only right that Government should set a good example; and in January, 1919, when I had the honour of addressing Council on the same subject, I said that I hoped that this example would be copied by other zamindars in the province."

The motion was then put and lost.

ITEM No. XVI.

The Hon'ble Rai Radha Charan Pal Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 1,00,000 be provided in the budget for an Alms house for Indians; and

(*b*) that the expenditure be met from the provision of Rs. 5,00,000 to the District Charitable Society under the head "20—Police."

He said :—

"My Lord, in moving this resolution I have to place certain facts before the Council. It was in 1832 that the Almshouse was erected in Mirzapore Street in Calcutta. This street is well known to many of my Indian friends here. This was temporary accommodation. In 1838 the District Charitable Society was divided into two parts, one looking after the Christian poor of the town and the other after the Indian poor. The Indian committee, which looks after the non-Christian poor, suggested the establishment of an asylum for the non-Christian poor, that is for Indians, and Babu Dwarka Nath Tagore offered the use of one of his gardens. That suggestion did not materialize, for soon after, in 1839, the Almshouse Committee was appointed, and the report of that committee was submitted some time in 1840, and they asked Government for a grant of the necessary plot of land for buildings and also resolved to raise subscriptions for the purpose. The result was

Sir Henry Wheeler.

that both Europeans and Indians combined, and the project for a joint Almshouse for Europeans as well as Indians received the cordial support of the public. Two pieces of ground were made over to the Society by Government in Amherst Street; an estimate was prepared, and public subscriptions were asked for. The estimate amounted to something like Rs. 33,000 for the necessary buildings and Superintendent's quarters, and was sanctioned in about 1841. In 1844 a further extension was made, but this was all for the Christian poor. In 1843 it was decided to make the experiment of accommodating a few 'native' paupers. In February, 1844, 12 huts were constructed at a cost of Rs. 188 and another range was built at a cost of Rs. 65 in 1845, a total of Rs. 253, which was for 'native' paupers. Such is the brief history of the Almshouse. The accommodation for the Indian poor gradually dwindled away. The huts broke down, and were not repaired; the accommodation was not suitable and the structures were demolished. I want to draw attention to the fact that a subscription was raised for the building of of an Almshouse, Government granted the land, and from the Society's joint funds Rs. 16,610 was obtained, and subscriptions to the extent of Rs 15,416 were raised; and the subscriptions of Indian gentlemen amounted to Rs. 6,025, besides the sum of Rs. 2,053 made over by the Native Committee of the Central Committee in 1885. They collected that amount separately, in order to build a separate Almshouse for Indians, but they could not do so, as funds were not sufficient, so they coalesced with the other committee and Rs. 8,000 was made over to them. Such, in brief, is the history of the Almshouse, and this Almshouse has been all along accommodating the Christian poor of the city. I do not wish to distinguish between Indians and Europeans in this connection, but many of them are really Indians, although they are Christians. As regards the non-Christian poor, there is no accommodation. Now that the whole thing is to be started afresh and the land is being sold, I believe Government get about 4 or 5 lakhs of rupees out of the proceeds and that money will be utilized for building an Almshouse. I take this opportunity to respectfully represent to the Government whether some money and some accommodation should not be provided for the Indian poor. I mean the non-Christian poor. I hope that this reasonable request of mine will receive sympathetic consideration. There is an institution in Calcutta known as the 'Refuge,' which partially accommodates the poor of the city, Christian and non-Christian. But I think that it will be admitted that it is not adequate and although it is managed by private subscriptions and partly by a grant-in-aid-from Government, I think that a sum of money should be set apart for the erection of an Almshouse for the Indian poor. It will greatly help the large number of indigent and distressed people who loaf about the city, and I believe that the beggar question will be largely solved by providing them with accommodation. I have nothing more to say."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, the Hon'ble Rai Bahadur, if I understand him rightly, seems to have been impelled to move this resolution by some kind of idea that the Indian community, as distinct from the Christian community, have some claims in connection with the recent proposals in regard to the Amherst Street site, though it seems clear, even from the details he has given, that, historically, the relief given in the way of poorhouse relief has been practically given to the Christian community, as indeed was only to be expected, looking to the social customs of the two communities. Whereas almshouse relief is a feature of Poor Law relief in the West, it is not so, to anything like the same degree, in the East, where charity is provided in other, and perhaps better, ways. I will, however, briefly refer to what has been done as regards the Amherst Street site. My information is that the Amherst Street site was given to, and has been in the possession of, the District Charitable Society for the relief of poverty since the year 1840, when the almshouse for Christians was

constructed upon it. In 1878 the workhouse was built on a portion of the land, and in 1915 a committee, which enquired into the working of this institution, strongly condemned the running of the almshouse and workhouse as more or less one and the same institution. They were also influenced by the idea that in a congested area like Calcutta it is best to push this kind of institution further out, leaving valuable land in the heart of the city for other purposes. Therefore they proposed that the workhouse and the almshouse should be separated, and a new almshouse constructed in the suburbs. The Society then approached Government for assistance towards this project; they, on their side, offering to part with their right of use of this land, which was given to them in 1840 for so long as it was used for poor relief. We negotiated last year, and eventually we agreed that the northern portion of the land should be sold to the Improvement Trust for an open space, which in itself would be a considerable improvement to that part of the town; the workhouse will remain where it is, and we shall also get a site for a new police section thana. In consideration of the whole transaction, we said we would give them a grant of Rs. 5 lakhs towards the building of a new almshouse in the suburbs.

I do not think, therefore, from the history of this transaction which I have given, that the theory is correct that there is anything in the nature of a claim pertaining to the Indian community in respect of this land, while as a proposition advocating the construction of an almshouse for the Indian community I doubt whether the resolution is altogether opportune. As this Council is aware, we had a debate some 18 months ago on the question of mendicancy in Calcutta and we subsequently had an enquiry. The results of that enquiry have recently been made public in a resolution of the 10th February, and we have outlined a policy for the construction of an infirmary, that is, a refuge for the infirm and disabled poor, and an industrial school for the children of that same class, and we have convened a second committee to put up practical details as to what can be done in that direction. They are not bound by our tentative decisions, but we have given them as a fair basis for further investigation. Therefore, we are bound to wait for the report of this committee, and the proposals that they may put before us, before we can go further into the matter. If they recommend the construction of an infirmary and an industrial school, we shall have to do our best to undertake it. But pending that, it is not much use making a budget provision of this kind.

It is further to be remembered, in respect of the Indian poverty in Calcutta, that there is also the 'Refuge,' which, since 1913, has received very nearly a lakh of rupees from Government, while it also receives a recurring grant. I mention this to show that Indian poverty is not neglected by Government. For these reasons, I do not propose to make the change suggested in the budget."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have listened with great interest to the reply of the Hon'ble Sir Henry Wheeler. He is quite right in saying that in 1840 the land was made over, but I, as an honorary official of the District Charitable Society, and the Secretary to its Indian section, may be permitted to point out that when the land was given to the District Charitable Society it was not given for the benefit of one section of the community but for both sections. That is one point. Then as regards the question of the appointment of a committee to consider the question of the provision for beggars, I know that a committee has been appointed, and that they will go into the question, but I believe that will be for all classes of the community, but what is required now is that there should be an almshouse for the non-Christian poor of this

city. As the Hon'ble Member has rightly observed on account of the social differences and customs, there is great difficulty in providing for the non-Christian poor. That is one of the difficulties, but I may say this, that we have enquired into this question. The difficulty is there, but quarters provided for the Indian poor were only miserable huts and my proposal is to replace these huts by a building and not to accommodate both Christian and non-Christian poor in the same building. Now that the whole thing is to be sold outright, I have thought fit to suggest that a lakh of rupees out of this 5 lakhs should be set apart for the non-Christian poor, so that an almshouse may be provided for them. With this object in view I move this resolution."

The motion was put and lost.

ITEM No. XVII.

The Hon'ble Rai Radha Charan Pal Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 10,000 be provided for promotion of cottage industries among destitute widows ; and

(*b*) that the expenditure be met from the lump provision of Rs. 1,72,000 for the development of industries in "26B—Scientific and Miscellaneous Budget."

He said :—

"My Lord, I do not think I need take up the time of the Council by a long speech. In the Civil Estimates, page 163, there is a provision of Rs. 1,72,000 for development of industries, and this is perhaps the first year when the Director of Industries will take up his work in right earnest. In previous years we made provision for the appointment of a Director of Industries in the budget, but I believe he was too much engrossed with his work in the Munitions Board to devote any time to this subject. Nothing has been said as to the main heads on which this provision should be spent. My present resolution is that having regard to the economic distress in the country, especially among the poor women and widows, a beginning may be made in the direction of helping all the small cottage industries in which female labour is employed. I know that there are some charitable institutions and societies and with the district charitable institution I am personally connected. We have started a small industry where poor widows receive some stipend which is hardly sufficient for one meal a day. If some other industries are started these poor widows may earn something in addition to what they get from the Indian community which amounts to about (say) Rs. 3 or Rs. 4 a head. Therefore having practical knowledge of difficulties of these women learning some sort of industry, I thought that if Government were pleased to pay some attention to this matter that would go a great way towards helping these destitute widows. What I want, my Lord, is this there is at present a very great difficulty of getting skilled teachers to teach small industries to these poor widows. It will be a great advantage if the literary widows could be taught some industries which they could easily learn and which they in their turn could teach other widows on the lines of *guru* training schools. Some funds should of course be placed at the disposal o

the Director of Industries which will be granted to such institutions or societies which he thinks fit. This matter, my Lord, requires more earnest and sympathetic consideration of Government, and it is with that view I have brought this matter before the Council."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I beg to support this resolution. I have some experience of the condition of these poor widows when we found that the price of foodstuffs and other necessaries of life was rising very high. We then thought it necessary to have some sort of school where these poor widows could be taught some cottage industry to earn their livelihood. The difficulty was that we did not get skilled teachers and consequently we had to abandon that idea. Then again we wanted to employ, as my hon'ble friend has said, literate widows but they could not learn the work very well. It is necessary that Government should encourage these widows to take up some cottage industries and without Government intervention it would not be a success. The resolution asks for the provision of the very modest sum of Rs. 10,000 and if Government accept this resolution that will, I think, give some encouragement to these poor widows."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, while I deprecate earmarking this sum in this manner in the budget, I do not want to rule out of court the possibility of money being spent in this way during the ensuing year. If it is thought desirable so to spend it, it is in the budget, and it can be spent without the acceptance of this resolution. My objection to earmarking it is that no body seems to have any clear idea as to what exactly is meant by the proposal, and I doubt if the speech of the Hon'ble Rai Radha Charan Pal Bahadur has altogether dispelled that vagueness.

When we received notice of this resolution we consulted Mr. Meek, the Director of Industries, about it, but as the Hon'ble Rai Radha Charan Pal has said, the Department of Industries has only just been formed, and while we hope it will soon get fairly into its stride, it is handicapped by the absence of the necessary establishment subordinate to the Director. We hope to secure that shortly, but the matter is being delayed at the moment until the Government of India finally decide whether the recruitment for the department should be by provinces, or, following the lines of the Industries Committee's report, of a central character. Therefore Mr. Meek has not yet got at his disposal the establishment that can work out the details of a scheme of this kind. He tells us that something is being done in this direction in Madras, though he has not got detailed information about it. Further enquiries will, however, be made and if there are any possibilities of money being utilised in this way, I have no doubt they will be made use of. But I would utter one word of warning as regards the general tenor of this resolution, and that is that the Department of Industries is not intended to be a charitable institution; it is meant primarily to foster the industries of the country, not to give relief to poor widows. The Council will also remember that we already give assistance to the development of cottage industries through the Home Industries Association, which receives a grant of Rs. 18,000, and possibly assistance to these widows comes within the purview of their activities. Therefore, Sir, this being the position, I deprecate the acceptance of the resolution, although we are perfectly ready to make further enquiries as to the feasibility of the scheme and pursue the idea if that course seems to be desirable."

Rai R. C. Pal Bahadur.

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I never meant that it should be a charitable gift to the poor widows. What I meant to express is this : that at present there are certain institutions which are helping these poor widows to learn some sort of industry, and the difficulty first of all is that they cannot get suitable teachers. What I want is that Government should train some literary females to learn the business and they may in their turn teach others. There are some institutions no doubt, but they do not want that Government should assist them, but what they want is that Government should train some widows and give grants to such institutions as may seem deserving to them. It will be also helping the poor women to earn their livelihood. This cannot be said to be purely charitable—it is reproductive because they will not want charity for ever."

The motion was then put and lost.

ITEM No. XVIII.

The Hon'ble Rai Radha Charan Pal Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 25,000 be provided for building quarters for sub-registrars in the Presidency for the year 1920-21 ; and

(*b*) that the amount be met by a corresponding reduction being made in the lump provision of Rs. 2,00,000 under "32—Miscellaneous."

He said :—

"My Lord, this is a subject to which the attention of Government has from time to time been drawn, and it is well known, I believe, that the Registration Department has got some 400 sub-registrars who are employed throughout the Presidency of Bengal. Their salary ranges from Rs. 50 to Rs. 250. Their hardship is such that I am sure it will excite the sympathy of everybody, having no place to put their heads in. In many places they have to live not only in thatched huts but also in cow sheds, and some of them have to lie down on the office table as there is no other place obtainable in many places in the mufassal. The Registration Department is now a very remunerative department : its income being 27 lakhs and the expenditure only 14 lakhs. Therefore, I think, it is fair and equitable that some portion of this money should be devoted every year for building houses and offices for the sub-registrars. At present I understand Government have to pay rent for their offices and the sub-registrars have also to pay rent for their quarters in thatched houses. If they are provided with some decent quarters they will also be paying rent to Government and Government will also, I think, be saved of the expenditure on house-rent for their offices, and in my humble opinion this will not wholly be an unremunerative outlay. My object in asking to provide Rs. 25,000 is simply to make a start. I am not in a position to say how much the Government will be able to spend every year. I want to draw the attention of Government to the urgency of this matter and also to induce the Government to make a start so that a reasonable sum of money may be set apart every year for the accommodation of the sub-registrars.

With these observations I beg to commend the resolution to the acceptance of the Council."

Mr. Cumming; Rai R. C. Pal Bahadur.

The Hon'ble Mr. Cumming said :—

"My Lord, the hon'ble mover desires to draw the attention of Government to the desirability of building quarters throughout Bengal for the sub-registrars in their rural offices. He is quite right in stating that the present situation is not satisfactory; but he might have informed the Council how the present situation has arisen. He is aware that before 1905 the sub-registrars in the province were all paid by commission: they stayed at their own homes, and there was no question of Government quarters. The provincialization of the department in 1905 however entirely altered the position. It is true, as the hon'ble mover has also said, that Government by the present arrangement have to pay a considerable sum, not less than Rs. 32,000 a year, in rent. Some time ago the Inspector-General was asked to formulate his requirements in order of urgency. He submitted a list of no less than 49 places where quarters for the sub-registrars and offices should be built. During the present year I find that three sets of buildings are under construction, and in the estimates which are before us I find that it has been proposed to build at Government expense at least one extra sub-registration office. That being so, the point which the Hon'ble Member desires to press is conceded, namely, more might be done; and in view of that I am prepared to accept his resolution. But in view of the amount of money available, I would ask that the first part of the resolution should read as follows :—

'That a sum of Rs. 23,000 be provided for building offices and quarters for sub-registrars in the Presidency for the year 1920-21 :'

That is to say, Rs. 23,000 would be substituted for Rs. 25,000.

As regards the reappropriation suggested, it is always undesirable to spend money from the allotment for 'miscellaneous' at the beginning of the year. But I am able to meet the case because there is a provision for the improvement of the conditions of sub-registrars regarding which some time ago the Bengal Government submitted proposals to the Government of India. Owing to this provision I find an item of Rs. 23,000 in the budget, which has been entered under orders of the Government of India. This Government, however, has quite independently made provision under another item for as much as will be required under this head (approximately Rs. 11,000) in the present year. That being so, the sum of Rs 23,000 in the Registration Budget becomes available. I am therefore prepared to say that Government will accept the first part of the resolution provided that Rs. 23,000 be substituted for Rs. 25,000, and the second part if it read as follows :—

'The amount be met from the provision of Rs. 23,000 for the revision of salaries of officers in accordance with the recommendation of the Public Services Commission under the head XII—Registration'."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I accept the suggestion of the Hon'ble Member."

The resolution was then put in the following amended form and agreed to :—

This Council recommends to the Governor in Council—

(*a*) that a sum of Rs. 23,000 be provided for building offices and quarters for sub-registrars in the Presidency for the year 1920-21; and

(*b*) that the amount be met from the provision of Rs. 23,000 for the revision of salaries of officers in accordance with the recommendations of the Public Services Commission under "XII—Registration."

ADJOURNMENT.

The Council was then adjourned to Monday, the 15th March, 1920, at A.M., at Government House, Calcutta.

J. F. GRAHAM,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.

CALCUTTA ;
29th March, 1920.

B. S. Press—9-4-7920—4902J -350—S. C. R. & others.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

The Council met in the Council Chamber at Government House, Calcutta, on Monday, the 15th March, 1920, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble SIR CHARLES STEVENSON-MOORE, K.C.I.E., C.V.O.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. F. J. MONAHAN.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble MR. S. W. GOODE.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DAULA AMIR-UL-OMRAH NAWAB SIR ASIF QADR SAIYID WASIF ALI MIRZA KHAN BAHADUR MAHABAT JANG, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. C. D. M. HINDLEY.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHERJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEVENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. R. M. WATSON-SMYTH.

The Hon'ble MR. W. O. GRAZEBROOK.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble RAI MOHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MOHENDRA NATH RAY, C.I.E.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

LIST OF BUSINESS—ITEM No. 5.

THE CALCUTTA RENT BILL, 1920.

The Hon'ble the Maharajadhiraja Bahadur of Burdwan moved f leave to introduce a Bill to restrict temporarily the increase of rents Calcutta.

The Maharajadhiraja Bahadur of Burdwan.

He said :—

"My Lord, it will be within the recollection of Members of this Council that at the meeting held on the 3rd of September last the Hon'ble Mr. Phelps urged that Government should appoint a Commission to inquire into the causes of the excessive land values and high rents in Calcutta, and, if possible, to suggest remedies. Government recognised that there had been a remarkable enhancement in land values and house-rents in Calcutta. They accepted the resolution and appointed on the 30th September, 1919, a representative Committee to inquire into its causes, its extent and degree, to examine the charge of profiteering made against landlords and to submit proposals for remedial measures if they considered it practical and desirable to control or limit the rise in rents. The Committee's report was received by Government on the 23rd February and Members of the Council are probably aware of its contents.

The Committee came to the conclusion that the situation was such as to call for direct and immediate action. They deprecated the enactment of an Act for the restriction of rents on the lines of legislation in England, Bombay and Rangoon, but urged that an Act should be passed for the creation of an authority with power to extend up to one year the period of notice to quit in the case of tenants who admit liability to ejectment from the premises occupied by them. They further recommended certain measures for the permanent improvement of conditions by opening up suburbs into which it is unnecessary at this stage to enter, although I may say Government are giving their serious attention to the question of permanent improvement of the position in Calcutta and are now examining the proposals of the Rent Committee with regard to further building developments as without which a Rent Restriction Act would be futile by itself.

The position revealed by the report is that the expansion of Calcutta has not kept pace with the needs of its population, while building operations were reduced to a minimum during the war. At the same time there has been a land boom consequent on the fact that house and landed property was a favourite field for the investment of large profits made during the war; and there has been speculation, often of a wild and reckless character. As a result of these factors an abnormal situation has arisen. The housing accommodation in Calcutta is unequal to the demand, and landlords are in a position to abuse their legitimate rights and to compel tenants to pay exorbitant rents. Scarcity or monopoly rents are being exacted not only for residential premises but also, I believe, for shops and offices. The supply of houses cannot be made equal to the demand for some time to come; and it seems certain that unless there is some system of control, rents will rise still higher and an intolerable situation will be created. It is, therefore, necessary temporarily to protect the general public against the rapacity of a limited section and so tide over the transitional period which must elapse before house accommodation in Calcutta is adequate to the requirements of its residents and economic rents are paid instead of monopoly or scarcity rents.

Government recognised that the evil called for prompt action and the question for their decision was what immediate steps should be taken. The remedy suggested by the Committee appeared to Government to be inadequate, and they were not impressed by the arguments advanced by the Committee against legislation for the restriction of rents. The same view has been taken by the public and the press, both Indian and European. They are generally against the proposals of the Committee and insistently demand immediate legislation in order to control and limit the rise of rents. Public meetings have been held, the correspondence columns of papers have been filled with complaints and requests for Government intervention, and a strong agitation has already been set on foot.

The Maharajadhiraja Bahadur of Burdwan.

The report of the Committee does not give any specific instances of large increases of rents which have occurred, but I may be permitted to cite some cases which have come to the notice of Government and which show how inordinate are the enhancements which have been made. In one case rent was enhanced by 17 per cent. in 1918, by 83 per cent. in 1919, and yet again by 50 per cent. in 1920. In another case there was an increase of 10 per cent. in 1919 followed by 160 per cent. in 1920. In a third an enhancement of 20 per cent. was followed by one of 140 per cent. In a fourth the rent was enhanced by 15 per cent. in 1918, by 16 per cent. in 1919 and by 144 per cent. in 1920. In another case the enhancement amounted to 30 per cent. in 1918 and to only one per cent. in 1919, but this was made up for by an enhancement of 146 per cent. in 1920. Another bad case was one in which there was an increase of 40, 8 and 84 per cent. in the three years.

To leave percentages and come to actual figures I may quote some cases to show the difference between rents in 1917 and 1920. Firstly, I may mention small premises with a rental of less than Rs. 50 a month: in two cases a rent of Rs. 16 has risen to Rs. 32-4 and Rs. 40, respectively. A rent of Rs. 22 has risen to Rs. 56, of Rs. 27 to Rs. 60, of Rs. 35 to Rs. 82, and in two cases of Rs. 36 to Rs. 80 and Rs. 82.

In the case of more highly rented houses the rent of one house has risen from Rs. 52 to Rs. 150 per mensem. In another case it has gone up from Rs. 53 to 100, and in a third case from Rs. 70 to 225.

Again in the case of houses at a rental of more than Rs. 100, the following enhancements are typical—

From Rs. 155 to Rs. 350.
" " 220 " " 400.
" " 260, Rs. 290 and Rs. 300 to Rs. 600 in all three cases.

In yet another case where a rent of Rs. 350 was paid under three years' lease, a rent of Rs. 375 was demanded and agreed to last year; the rent has now been put up to Rs. 1,000. The rent of a shop which used to be Rs. 750 was suddenly raised to Rs. 2,750. To show what wild speculation there has been—certain property in Calcutta was offered two years ago for a price of Rs. 3,80,000, and recently changed hands for Rs. 22 lakhs. The rapacity of certain landlords appears to have been further stimulated by the Rent Committee's report, the publication of which led them to demand highly enhanced rents. In one case, for instance, a tenant received from his landlord, on the date on which the report was published, a notice demanding an increase of rent from Rs. 200 to Rs. 500 and threatening ejectment in case of non-compliance. The exorbitant demands of such landlords apply not merely to any single class of houses whether large or small, but both to large premises and small ones, and to shops and offices as well as to residential buildings; and the rise is not confined to any particular part of Calcutta, but as far as we can ascertain, it is general.

For instance, in Lower Circular Road the rent of three rooms has been raised from Rs. 100 to Rs. 175; in Elliot Road the rent of a house with seven rooms has been increased from Rs. 220 to Rs. 400; in Zakaria Street the rent of one room was Rs. 18, it is now Rs. 35; in Boloram De Street Rs. 80 was demanded for a house let for Rs. 40 in the year 1916, and the rents of many flats south of Park Street have been raised from Rs. 200 or thereabouts to Rs. 400.

After careful consideration of the problem and its possible solutions we came to the conclusion that the best remedy was to proceed with a Bill on the lines of the Bombay Rent Acts and of the Bill for the restriction of rents in

The Maharajadhiraja Bahadur of Burdwan.

Rangoon which was passed by the Burma Legislative Council at the end of January. We have ascertained from the Bombay Government that their Acts have had an appreciable effect in checking the rise of rents in Bombay and their working had been on the whole successful.

These Acts were of a temporary nature, but their benefit has been so much appreciated that last year their operation was extented for two years after the date of the termination of the war in response to a genuine and widespread demand that they should be continued. I frankly admit that a measure of this kind is an interference with private rights, but those rights have been clearly abused in many instances, and it is the duty of Government, as guardian of the public interest, to prevent private persons from abusing their privileges when their abuse deprives the public of the necessities of life such as houses. As I said in replying on behalf of Government to the Hon'ble Mr. Phelps' resolution in September—"In cases such as this it is, I conceive where profiteering becomes a general and flagrant abuse, that State control in an economic sphere can be most easily justified." At the same time however Government feel that such a measure should be only of temporary duration, and it is therefore provided that the Bill, which I have the honour to introduce, should be in force for only three years. It is hoped that by the expiration of this period conditions will have improved, the supply of houses will have been made equal to the demand, the present shortage will have disappeared and rents will again be on an economic basis. Further in order not to discourage building and private enterprise we have provided that the Act with its limitations shall not apply to any houses which may be in course of erection at the time of its commencement or which may be erected subsequently.

I now turn to the provisions of the Bill. Clause 2 of the Bill is proposed to apply to ground rents as well as house rents and to shops, stalls, etc., as well as to residential premises. It has not been possible to bring rooms in hotels and boarding houses within the scope of the Bill. They are left for the most part to persons who come and go, and apart from this, people pay not merely for the rooms they occupy but also for their food and the service given them. Their case is therefore very different from that of ordinary tenants. But if it were possible in any way to bring them within the purview of the Act, I personally would welcome it and Government have an open mind on this subject at present.

Clause 2 (*f*) defines standard rent. This will ordinarily be the rent at which premises were let on the 1st of April, 1919 or in cases where they were not let on that date the rent at which they were last let before the 1st of April, 1919. The reason why this particular date is fixed is that the Rents Committee's Report has shown that it was in the second part of 1919 and in the present year that abnormally high rents became common. There had been considerable increases in 1918 and the first part of 1919, but they were not so preposterous and out of reason as they became later. The selection of a particular date is necessarily a matter of some difficulty and it must be somewhat arbitrary, but we have selected this date as approximating the time from which conditions became abnormal. In doing so we have endeavoured to be fair both to the landlords who have already obtained considerable enhancement, and to the tenants who at that time were not being exploited to the same extent as later in the year. The effect of fixing the date will be that the landlords will get the same return on their money as on the 1st of April, 1919, when there had been already considerable increases of rent. There are however some reasonable exceptions made in favour of the landlord. First, where the landlord's taxes have been increased since that date, the standard rent may be increased proportionately. Secondly, it may be increased on account of improvement and structural

alterations made by him. Thirdly, if the rent actually paid on the 1st of April, 1919 was unduly low, the Controller may substitute for it a higher rent which however shall not be higher than the highest rent paid since April 1st, 1914. In addition to this the landlord is protected against harassment by the provision that no charge of an offence shall be brought without the previous sanction of the Controller or after six months from the date on which the offence is alleged to have been committed. Clause (*f*) (*ii*) provides that in cases where premises were not let on or before the 1st of April, 1919, the standard rent shall be the rent at which they were or shall be first let after that date. This should be read with the last clause of the Bill about new houses to which I have already referred. The effect will be that this provision will apply only to houses which have already been built, while landlords will be free to charge whatever rent they like in the case of houses which are now being built or may be built hereafter.

Clause 4 provides that if the rent is increased above the standard rate the excess amount shall be irrecoverable ; but there is the important proviso that this shall not apply to rent which accrued due before the commencement of the Act. In other words landlords will be in a position to recover rent from tenants for the occupation of houses before the Act comes into operation. The idea is that the Act shall restrict the increase of rent in future and not have retrospective effect. In fact, the desire of Government is not to have any punitive measure, but to allow past transactions to hold good. On this account it is not proposed to debar the recovery by landlords of rent due up to the date of the commencement of the Act or to allow tenants to recover from landlords sums paid prior to that date.

Clause 5 allows an increase of rent on account of improvements or structural alterations effected by landlords and should be read with clause 15 under which the Controller may make an order increasing the rent in such cases by an amount not exceeding 10 per cent. of the expenditure incurred by the landlords. This provision is more generous than the Rangoon Bill which allows a maximum of only 8 per cent.

Clause 9 is an important feature of the Bill as it is designed to prevent the payment of *salamis*. If *salamis* were not prohibited, the object of the Bill would practically be defeated, as landlords unable to enhance their rents would undoubtedly recoup in this way. At the same time we have been careful to provide that this clause will apply only to future payments of *salami;* payments already due under written agreement made before the passing of the Act are not affected.

Clause 10 deals with the important matter of ejectment, and I trust it will be realised that it gives substantial protection to the tenant. He is saved against ejectment so long as he pays or is ready to pay rent to the extent allowed by the Act and performs the conditions of the tenancy. He will not of course be protected against his own negligence or misconduct if he makes himself a nuisance or damages the premises.

Clause 15 defines the powers and duties of the Controller. Here I may point out that under clause 2 the standard rate is automatically fixed and the Controller has power to fix the rents only in cases where there are special reasons justifying a variation from the standard rent.

He is not to be a final authority and is not to be allowed to exercise his powers without challenge, for under clause 18 there can be a reference from his decisions to the Chief Judge of the Small Cause Court or to the Judge of such other Court as the Government may direct ; the provision for a Judge other than the Small Cause Court Chief Judge will cover cases in which the latter has no jurisdiction.

Before I conclude I wish to make a few observations of a candid nature the way of an appeal to all such Members of the Legislative Council.

The Maharajadhiraja Bahadur of Burdwan.

whether European or Indian, who have landed interests. In making this appeal my special qualification is that, apart from being a Member of Government, I am myself not only a landholder but a Calcutta property owner as well and as such I have fully considered the position of the landlords in this city in a measure of this nature: and in introducing it feel that when we take into consideration the state of things in certain quarters that have been brought to light, the measure is urgently called for and deserves the support of all rational thinking men. No civilised Government could after these revelations sit still and do nothing, and therefore action and early action has got to be taken.

As you know, recently, rent-paying Calcutta has been convulsed with anti-landlord feelings for the grasping tactics of some of the property owners in the city, and in consequence to-day the Government are faced with a problem which in duty bound they have to face and solve as satisfactorily as possible for all parties concerned. I should like to assure you that in pressing for this legislation Government do not wish to show any *zid* against the landlords as a body. The main object underlying this legislation is to create a healthy spirit of competition for further building developments and to restrict rents until the growth of Calcutta is more assured and until those landlords who have in their lust for greed inflated house rents in a most unwarrantable manner realise their mistake and accept the principle that, whilst it is really wicked to put up rents in the exorbitant way that they have done when building accommodation is limited, the principle of building more and distributing the increase of rents over a larger number of holdings is not only legitimate but a commendable one.

I have tried my best from the point of view of fairness to the Calcutta landlords to include in the Bill safeguards to their legitimate privileges, and it is quite possible that in discussions in the Select Committee or in this Council hereafter, any such provisions that we may have overlooked or which are at the present moment in the Bill, may either have to be inserted or modified, provided the demands were both logical and reasonable and provided between this day and that on which the Bill will come up for final discussion in this Council for being passed into law profiteering or rack-renting to such an extent is not indulged in as to force the hands of Government to withdraw the safeguards for landlords which, in good faith, they have already inserted in the draft Bill.

I should like the landlords of Calcutta and even those outside it to bear in mind that we are living at a time of world-wide unrest. One has only got to see around to discover for oneself the mighty war of Supply *versus* Demand, Capital *versus* Labour that is raging everywhere. It would, therefore, be to the real interests of landlords to consider very carefully their attitude towards this Bill. On them would lie a graver responsibility than on Government if the Bill by any chance got wrecked. If, however, they are guided by a spirit of reasonableness then it is a golden opportunity for them to show that they are not altogether selfish, that their motto is 'To live and let live' and that the gentlemen, who represent the landlords' interests in this Council, really mean to assist Government in pushing through a measure which cannot any longer be delayed. Let it be a fair show for all, and let it not be, as it unfortunately in some instances has become, due to the grasping nature of a particular coterie of men, a savage grim conspiracy of plunder.

We have arrived at an age of assertion when even amongst the lowest strata of human society there are perceptible rumblings of upheaval and an awakening among the humblest which cannot be lulled back to sleep. Those, therefore, in authority, in power or in possession of wealth and riches, have got to realise that in imbibing the spirit of tolerance alone lies safety for that is the cry of the hour of the day, of the age whilst intolerance can but lead to disaster.

The Maharajadhiraja Bahadur of Burdwan; Rai Radha Charan Pal Bahadur.

I, therefore, with all the emphasis I can command, appeal to all in the Council possessing landed interests to weigh the matter very carefully in your minds and to lend us your support and use your great influence with those outside in getting for your city an Act which is after all going to be a temporary measure, but which is full of great potentialities for the future development of residential Calcutta."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEMS Nos. 6 AND 6A.

The Hon'ble the Maharajadhiraja Bahadur of Burdwan moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. O'Malley, the Hon'ble Mr. G. N. Roy, the Hon'ble Mr. Payne, the Hon'ble Mr. Goode, the Hon'ble Mr. P. C. Mitter, the Hon'ble Rai Radha Charan Pal Bahadur, the Hon'ble Mr. Watson-Smyth, the Hon'ble Mr. Ashraf Ali Khan Chaudhuri, the Hon'ble Babu Surendra Nath Ray and the mover with instructions to submit their report in time for its circulation to members on the 22nd March, 1920.

The Hon'ble Rai Radha Charan Pal Bahadur moved by way o amendment to the motion of the Hon'ble the Maharajadhiraja Bahadur o Burdwan (Item No. 6 of the List of Business), that the Calcutta Rent Bill 1920, be circulated for the purpose of eliciting opinion thereon.

He said :—

"My Lord, this Bill was circulated about a week ago, and I may sa it has hardly been examined by the public at large. I think it will b admitted that all sections of the community, whether belonging to the land owning class or belonging to the class of tenants, are practically unanimousl of opinion that the Bill has not been thoroughly examined by them, that i has been only recently published in the newspapers, and that the provision of the Bill are now engaging the attention of the public and observations an opinions are gradually forthcoming. It is, therefore, necessary that such a important measure should be fully discussed by the public, and that reasonable time should be given to them to express their opinions on th several provisions of it. My Lord, before this measure was introduced, th Council, on the motion of the Hon'ble Mr. Phelps, agreed to a proposal tha a Rent Committee be appointed to enquire into the whole question, and t report, if necessary, what steps should be taken to control the abnormal ri of rents in Calcutta. That Committee consisted of 14 members, out which I find that 9 were Europeans and 5 Indians. Out of these 5, thre of them, the Hon'ble Raja Reshee Case Laha, Mr. Abdur Raheem and Bal Ram Deo Chokhani, may be called as representing or coming from the lan owning class. It will, therefore, be seen that the Committee was not, as h been erroneously supposed, dominated by the land-owning element. was a Committee in which, I may be permitted to say, the land-owning eleme was in a very small minority. That Committee, as has been fully describ by the Hon'ble Maharajadhiraja Bahadur of Burdwan, went thoroughly in the matter; they issued about 1,000 notices to ascertain the rents that h prevailed in Calcutta from the year 1915 to the year 1919. It is stated the report that only 250 or 260 residents responded to that notice—and appeared to the Committee that there was an abnormal rise of rents in t southern and commercial parts of the city, that is, in the quarter south of Pa Street, and also in some quarters where the Anglo-Indian community domiciled. It has also been stated that no information has been forthcomi as regards an increase of rents in other parts of the town. My Lord, if were to take the statistics of houses in Calcutta under consideration, I m

state for the information of the Council that out of 36,000 houses in Calcutta, there are 15,000 houses used by the owners for their residential purposes, 17,000 are let out to tenants for residential purposes, and about 5,000 or a little more for commercial trading and for shops and godowns. It will be seen, therefore, that out of 17,000 houses (I take first the tenanted houses) the figures that have now been placed before the Council by the Hon'ble Maharaja, perhaps only a fraction of these houses could justly be calculated as having been subjected to extortionate increase of rent. As regards the commercial and trading places, I do not know what percentage of that number is really covered by the statistics now placed before the Council by the Hon'ble the Maharaja. It is rather unfortunate that these statistics were not given in the report of the Calcutta Rent Committee, because we should have then been in a better position to examine those cases, and to know where and to what extent and for what reason the rents had been increased in those places. At the same time, my Lord, I do not at all sympathise with those landlords who have been extortionate in their demands, and who have so unreasonably enhanced the rents without any legitimate ground. The case in Bolaram De Street mentioned by the Hon'ble Member in Charge is the only case in the northern part of the town. My Lord, the Central Avenue passed through the heart of Bolaram De Street, and I do not know whether this house is situated near the Central Avenue or not where lands, which were acquired at Rs. 2,000 to 3,000 a cottah, have been sold by the Improvement Trust at from Rs. 6,000 to Rs. 8,000 a cottah, and I think there must be some legitimate ground for the increase of rent of that particular house in that locality. Then as regards Zackaria Street, this street is now changed beyond recognition by the operations of the Improvement Trust. Land here was acquired at Rs. 2,000 to Rs. 3,000 a cottah by the Improvement Trust and sold by them at a minimum of Rs. 10,000 a cottah and a maximum of Rs. 26,000 a cottah. It seems, therefore, that there was some ground for the increase of rent in that locality too. I may say, my Lord, that the operations of the Improvement Trust have been to a large extent responsible for the high price of land and the consequent increase of rent in the city. I speak from personal knowledge and as a member of the Improvement Trust. I am also a property owner on a small scale. I know of a case in which a house was acquired by the Improvement Trust for Rs. 10,000 and the exemption fee demanded from the owner was Rs. 12,000. The owner was a poor boy and he could not pay that exemption fee without raising the rent of his house. In many such cases, house-rent has been increased and those increases have been taken exception to. What could such poor men do; they are not big landlords like the Maharaja Bahadur; they travel in tram-cars and cannot afford to drive in motor-cars. My Lord, in this country people are so much attached to their own holdings that they do not willingly trade upon their houses in order to make money. I regret very much, my Lord, that the statistics of increased house-rent have not been taken by the House Rent Committee. If they were taken it would have been found that it is the tradition of the country for even poor people to stick to their ancestral holding. A large number of them, with an income of Rs. 150 or Rs. 200 or at most Rs. 500 a month, live in the northern part of the town and the economic distress has affected them also. I know of hundreds of such cases. I know of a case in which a man's income was Rs. 300 a month and with his life's savings he built a house. After he died his family became entirely dependent on the income of that house. Now, if the rent of that house is increased a little bit owing to economic causes, would it not be fair? The standard rent might have been Rs. 30 or Rs. 40, but could it not be raised to Rs. 50 or Rs. 60? Would this be a dire offence? There are landlords and landlords, as there are tenants and tenants, and Government has now come to the help of the tenant by belabouring the landlord. I am sure they will have the sympathy of all impartial men. I am not speaking as a landlord but I feel for the so-called poor landlord. What will be their condition under this Act? They

are not vociferous, and they cannot speak. They want to live under the protection of the British Government and they do not want to be starved out in these days of economic distress. But I may say candidly that there is a section of landlords who squeeze the tenants, but because of these few, why should you punish the entire body of landlords? There are refractory tenants too, but in a case in which a tenant comes and offers Rs. 1,200 for a house which was ordinarily let at Rs. 400, knowing full well that he could afford to pay owing to increased business which he anticipates, why should a landlord be prevented from accepting the offer? It is a free offer made by the tenant, why should the Government come forward and say, 'You must not accept it, and that you must let out the house at Rs. 400.' I think these matters ought to be more fully considered. Whatever the Hon'ble Member in Charge might say, I am sure in his heart of hearts he feels that he will himself find these difficulties as a landlord. There are many other points which require to be fully examined. I do not oppose any legislation to control the exorbitant and unreasonable increase in house-rent, but why legislate for all cases? My hon'ble friend Mr. Phelps himself did not suggest any legislation in the House Rent Committee. I therefore submit, my Lord, that at least a reasonable time should be given to the public to express an opinion on the Bill. There is another point to which I want to refer before I sit down. It is the question of *salami*. I find that *salami* is prohibited in the Bill and is practically made penal. You have ruled India for a century and-a-half, and in this country you respect traditions and customs. *Salami* is an old-established custom in the country. The Hon'ble Member in Charge cannot deny this, and I believe it is also practised in his Raj; it is prevalent everywhere, and I may say that that custom is prevalent in the Calcutta Corporation too.

Tenants there come forward and gladly pay *salamis* of from Rs. 5,000 to Rs. 20,000. Why do they pay it? It is because they know that they will be able to pay it out of their business. Why do you not exempt commercial houses and godowns, etc., from this *salami*-system? They are rented for business purposes, and you are only going to control the landlords. Is that justice, my Lord? There is another point. Practically the Transfer of Property Act, the Presidency Small Cause Court Act and the Contract Act which were enacted for the good of the people are going to be set aside. If such Acts are going to be set aside what will be the state of things? If such Acts could be set at naught by a fiat from the Government it will not improve the state of things. Where will be the security of our property under the British Raj? It may be said that it would benefit the people, but I must say that it will benefit only one section, those who are not landlords and also the European community. My Lord, the House Rent Committee was appointed to enquire into this matter. Government themselves appointed that Committee. It consisted of nine European members and only a few landlords, and you now throw their report in the wastepaper basket, although they said that legislation on these lines was not desirable or practicable. There was of course a meeting in the Town Hall protesting against the report. There have been many such meetings in Calcutta and that should not have scared Government. Let Government keep an open mind in the matter and proceed on reasonable lines.

With these observations I put my motion before the Council for consideration."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I welcome this Bill but I have to offer a few suggestions on the principles which have been enunciated in it. It cannot be denied that the

tenants of the Calcutta houses are now required to pay exorbitant, excessive and extraordinary rents; it cannot be denied that there is a strong feeling in Calcutta that some measure ought to be taken in order to alleviate their sufferings; it cannot be denied that there is less accommodation in Calcutta for the occupation of the tenants. Whatever may be the causes there is a loud demand for some measure for the protection of these people. There is no doubt that the Improvement Trust is largerly responsible for this state of things, as that body sold lands at exorbitant prices, but that is not the question at issue before the Council. The question before the Council is what measure ought to be taken in order to alleviate the suffering of these people. The Bill, as has been drafted, shows that some principles have been adopted which are open to criticism. I fully sympathise with those people who ask Government to frame an Act which is suitable under the present circumstances. The action of those landlords who realise excessive rents is not only open to severe criticism but to strong condemnation, but mere expressions of opinion are of no avail. The real fact is how is the relief to be given.

Now taking the Bill as it is, the first principle is what should be considered as the standard rent. The Bill suggests that the date 1st April, 1919 should be taken as the conventional year. Now from the facts and figures which have been supplied to the Council by the Hon'ble Maharajadhiraja Bahadur of Burdwan it appears that the year 1919 was considered a suitable year. I suppose this is open to objection and it ought to be considered not only by the Council but also by the Select Committee. May I humbly suggest that a certain reasonable percentage ought to be allowed on the valuation of the houses? That may be considered as the standard rent and if it meets with the approval of the public and of the members of the Council and of the Select Committee probably all further discussions will be greatly shortened.

There is another principle which I find in the Bill which lays down in clear terms that it shall not be lawful for the landlord to take any premium in addition to the rent. My Lord, this is the language of the Bombay Act, but this Act, I may point out, is inconsistent with the provisions of the Transfer of Property Act. I mean section 108 (*j*). That section allows a bonus or premium to be accepted and the language is clear that the lessee is bound to pay the premium. Now if this law is put into force it will, in my humble opinion, be inconsistent with the provisions of the Transfer of Property Act of the Indian Legislature. Consequently it is a matter of importance whether this principle is to be adopted in clause 9 of the Bill. I do not find the opening words of the clause "Notwithstanding the provisions of the Transfer of Property Act or of the Contract Law". There is a total omission of this in the clause which lays down only that it shall not be lawful for any person in consideration of the grant of renewal or continuance of a tenancy of any premises to require the payment of any fine, premium or any other like sum in addition to the rent. The Stamp Law, the Contract Law and other cognate laws allow the payment of *salami* and consequently it is a matter for consideration whether the landlords will be prohibited to accept *salamis* from the tenants who are willing to pay them.

Then there is another principle to be considered. Although it is said that the Bill has no retrospective effect I find that in clause 11 the orders and judgment of Civil Courts are to be interfered with. This, I submit, is clear from the provisions of clause 11 which state—'When any order or decree of the kind mentioned in section 10, sub-section (*1*) has been made but not executed before the date of the commencement of this Act the Court by which the order was made may, if it is of opinion that the order or decree would not have been made if this Act had been in operation at the date of the making of the order, rescind or vary the order in such manner as the Court

may think fit, for the purpose of giving effect to this Act.' My Lord, I think this is an undue interference with the provisions of law which are in force.

Turning again to another principle I think that clause 15(*d*) should not be accepted by the Council. Then there is the procedure of appointing a Controller and reference to the Small Cause Court Judge at Calcutta. We are quite familiar with the proceedings under the Land Acquisition Act, where an inquiry is made by a Collector, authority being given to the litigants to go up to the Civil Court for a final decision. This, I believe, is a procedure which is dilatory in its nature and ought not to be accepted. I would rather wish that the Controller in making an inquiry in this matter be guided by a jury of expert assessors, and if we are to leave the matter for decision hereafter in the Civil Court again then the matter demands further consideration. I do not approve of the way in which double references or double inquiries are to be made because in matters like this we should not allow a crop of cases to be instituted in Calcutta for the decision of a very simple point. There are various matters which require consideration and I am sure the Select Committee will take notice of them. But I am afraid this Act will be a dead letter unless the principles put forward are reconsidered by the Select Committee or by the Council. My Lord, there is a dearth of house accommodation in Calcutta, and unless sufficient accommodation is provided for what is the use of a law like this? I submit it is the duty of Government under the present situation to provide sufficient accommodation. I hear that private companies are floated or are being floated for the purpose of securing accommodation. It is a good news, no doubt, but at the same time it is the paramount duty of Government to take up this matter.

The provision in clause 21 is a very healthy provision, which is that this Act will not apply to buildings erected after or in course of erection at the commencement of the Act. I am entirely in favour of an Act being passed at present. I know the State has authority to interfere, but there must be a reasonable procedure to adopt. These are the reasons which led me to discuss the principles of the Bill. Many people of Calcutta are carefully watching the proceedings of the Bengal Legislative Council meeting to-day, and when I was coming to the Council many were inquiring what were my views in this connection. My Lord, it is necessary that Your Excellency's Government should exercise the authority vested in them in such manner. After listening to the lucid speech of the Hon'ble Maharajadhiraja Bahadur of Burdwan and the eloquent appeal which he has made to the landlords it is the duty of the landlords to make some sacrifices because unless the tenants are happy and contented the position of the landlords will not be secure."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I have not got much to say on this except that I oppose the amendment of the Hon'ble Rai Radha Charan Pal Bahadur. He began by saying that he does not object to any legislation of a reasonable character and he does not sympathise with those landlords who want to squeeze out money from the tenants. But in his whole speech, if I followed him aright, he has defended those very landlords. The Bill does not propose to do anything which will be very harsh on those landlords who are reasonable and who are not trying to get as much money as they can from the pockets of their tenants or to oppress their unfortunate tenants, and the landlords have no grievance in the matter because they could not get an abler and more zealous advocate of their interest than in the person of the Hon'ble Member in Charge of the Bill himself. Besides, this measure is an emergency measure and it would serve no useful purpose to delay its passing into a legislative Act. The result of this amendment would be to postpone the

consideration of this measure this session and to let it come in the autumn session and that would not be desirable. I think the public opinion had already been expressed long before this measure was contemplated and published for general information. The people of all sections of the community, landlords and tenants, have all asked for a legislative measure in this matter. Reference has been made to the report of the Rent Committee, but unfortunately that report has been adversely criticised by the press as well as by public bodies and individuals, and as far as I have been able to see, no one has yet come forward to stand in defence of the report of the Rent Committee. This is an emergency measure and it ought to be passed as soon as practicable, and therefore I think the motion as it stands should be opposed.

I would make only one further suggestion in this connection. The tenants of Calcutta are to a large extent indebted to Mr. Phelps for being the first Member of this Council to bring the matter to the notice of Government. It would be a great advantage if Mr. Phelps could be included in the Select Committee."

The Hon'ble Mr. Arun Chandra Singha said :—

"My Lord, I have much pleasure in welcoming the Calcutta Rent Bill. Such a measure was most urgently needed to bring relief to the thousands of persons who live in rented houses from the rack-renting of a most oppressive nature that has been begun of late by the majority of landlords of Calcutta. Various reasons have been put forward supporting the present abnormal rises in rents, but I consider that almost all of them are unsound. The rents have been forced up artificially, in many cases being the consequence of speculations and in others for the sake of sheer profiteering. It has become absolutely impossible for persons of moderate means to live in Calcutta. Houses are a necessity of life and the Government is quite justified in stepping in to control rents. I am sure no one wants that landlords shall not receive a fair return on their investments in *bonâ fide* cases, but no sympathy can go out to those amongst them who have been led to invest purely for speculative purposes. They undertook the risks attendant upon such transactions and they must not complain if they are landed in loss. The Bill as it has been drafted has left many loopholes for unscrupulous landlords to evade control, and I trust the Select Committee will make it a point to set right such defects."

The Hon'ble Babu Bhabendra Chandra Ray said :—

"My Lord, I am sure the present measure will constitute an important landmark in the history of legislation in this Province. However much opinion may differ as to the merits of its provisions, when they are examined in detail even the worst enemy of the Bill will have to admit that it marks a new awakening of the legislative conscience of the Government of this country—a departure from age-old notions and cherished economic dogmas that proved unworkable in practice and had to be thrown to the winds by Europe during the recent war. A great change has been brought about in our conceptions about the duties of the State towards the individual. Every member of society has to be helped to secure the minimum human requirements, and exploitation of the people's needs has to be penalised. That is now the ruling idea of the civilised world. The question of high rents is only a small phase of a large problem that awaits solution at the hands of the Government. And permit me to hope that the present Bill is only the beginning of a series of beneficent legislation that will enable the people to support existence during the present economic crisis, and will confound the profiteer whenever he may be found. I welcome the Bill on another ground as well. It gives us a [illegible] political parties will be formed not on artificial

differences as at present but on definite issues involved in the problems of practical administration as they turn up. A particular section of the Nationalist party is often represented as pledged to oppose Government in season and out of season—a description which I need hardly point out has been proved to be false to-day. What is more the Hon'ble Mr. Watson-Smyth will find that the hand of fellowship that was stretched by him only the other day to a particular political party will miss its accustomed grip on this occasion. It will perhaps be a surprise to many in the Council to know that one of the points of view from which the Bill is opposed in certain quarters, where the cult of co-operation holds sway, is that the measure would ultimately benefit the Europeans more than the Indians, the idea evidently being that the Indian landlord should be left free to relieve the European tenant of his superfluous cash. I feel that war-time wealth should be very heavily taxed whether in the hands of the European or of the Indian, but every pice that should or can be legitimately raised by taxation should come into the coffer of the State and not into the long purse of the landlord. Though I support the principle underlying the Bill, I am not blind to its defects. I cannot but observe that it does not provide more than a mere palliative of the disease that Calcutta is suffering from. Indeed, it does not aim at anything more than that. The radical remedy lies in an expansion of cheap housing accommodation which will possibly be discouraged to some extent by the restrictive operation of the Act. Unless Government desire to seek the measure defeat its own object, they should take definite action to secure immediate development of the suburban areas. The State should make its mind and cheerfully shoulder its obligation in this matter by founding garden cities, either through its own exertions or by subsidising private enterprise. Half measures cannot lead to any lasting benefit."

The Hon'ble Maulvi A. K. Fazl-ul-Haq said :—

" My Lord, I beg to support this motion for referring the Bill to Select Committee and consequently I oppose the amendment moved by the Hon'ble Rai Radha Charan Pal Bahadur. Having regard to the fact that so much has been said already, I do not wish to detain the Council by making a long speech, but I wish to say a word or two in answer to certain observations made by the Rai Bahadur. My friend has said that in many cases although it may be considered that fancy rents have been demanded the tenants have paid quite willingly. My Lord, this reminds me of a little story which with Your Excellency's permission I would like to repeat to this Council. A certain man was being prosecuted for having committed a highway robbery. In answer to the Magistrate who asked whether he pleaded guilty or not, the accused said : 'I am not guilty. I did nothing. I certainly had a pistol in my hand and I only said "stand and deliver" and the man willingly poured out the contents of his purse. So I submit, Sir, there was no highway robbery, and therefore it was no offence.' I wish to remind my friend that when he said that the tenants paid willingly they did so like the poor victim of the highway robbery who poured out the contents of his pocket simply because a pistol was levelled at his head.

My Lord, it has been said that this piece of legislation really wants to contravene all existing legislation such as the Contract Act, the Presidency Small Cause Court and the Property Act. It is nothing of the kind because the condition of things prevailing in Calcutta at the present moment is practically a negation of the existence of these Acts and, therefore, this present legislation has been called for, and for this reason Government have been forced to intervene and undertake legislation.

As regards the amendment, if this is accepted it will simply mean that the piece of legislation which ought to have come much earlier will be post-

ed for some time more. It is a measure which was long overdue and ernment cannot do better than to proceed with it as expeditiously as sible."

Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I must congratulate the Hon'ble the Maharajadhiraja Bahadur Burdwan on his admirable speech of this morning, and if I had not some erse views upon the matter I should have surrendered myself to his gment. Permit me, my Lord, to say that it is a great advantage to the vernment that a man in the position of the Maharajadhiraja Bahadur of rdwan, who owns very large house property in the city of Calcutta, ould pilot the Bill on the present occasion. I should not like to say that am opposed to a Bill which aims at protecting people who are oppressed their landlords—this is a Bill which on humanitarian grounds should have support. But I would like to point out that during the last two years en appeals were made to Your Excellency's Government to take action to ieve the poorer section of the community who were suffering from extreme stress on account of the scarcity and high cost of cloth, very little was ne. I do not mean to say that the Government were really stony-hearted, cause I believe that the Bengal Government did their best to do something the direction of relief, but they were bound to follow the policy of e Imperial Government. It is true the Imperial Government passed a andard Cloth Act, but it was left to the local Governments to extend its eration anywhere they pleased. This Act was introduced in Bihar, but t in the province of Bengal. I do not know on whose advice the Govern- ent of Bengal thought it best not to make the Cloth Act operative here. It a very sad thing that though 40 millions of people who are poor beyond nception did not get any help, the clamour of a section of the people of lcutta has succeeded in getting the Government of Bengal to take action r their protection and relief. That is a very sad commentary. No doubt e Government of Bengal has a freer hand in a matter like this, and not probably in giving relief in the matter of cloth distress to the people the whole province. I can only imagine that at least one of the reasons this is that those who have clamoured in the present instance are in the eighbourhood of Government House and they can make themselves heard to me extent. Well, we had a very novel suggestion at the last Town Hall eeting by more than one speaker, that there should be strikes and that the nant class should refuse to pay rent, and that they should also suspend paying rears of rent. One gentleman went so far as to refer to something which ppened in Wales some years ago, when the tenants refused to move from the oldings that they were occupying. Saner views have prompted another entleman to come before the public in the shape of letters to the press, I mean olonel Pugh, who has pointed out some of the weaknesses of the proposed easure now in Council. As I said I would support a measure if it is based on umanitarian grounds. Do something for the really oppressed, for those who re really poor, and then it does not matter whether you contravene the provi- ions of the Contract Act or the Transfer of Property Act or the Presidency mall Cause Court Act. Your duty is plain ; you have to help the oppressed. t does not matter if the bogie of the Transfer of Property Act comes before ou. Probably, the Hon'ble Member Rai Bahadur Mohendra Chandra Mitra as thinking of the state of things which existed some time before the nactment of the Government of India Act of 1915. Before that it ould not have been possible for a Provincial Legislature to do anything gainst the provisions of a measure passed by the Legislative Council f India. Now by a certain provision of the Government of India Act of 1915, this Council can pass an enactment which is in conflict with n enactment of a superior legislature, and therefore there is no difficulty

in that way. But the Bill, as it has been drafted, would enable wealthy persons, persons in the position of the Hon'ble Mr. Watson-Smyth for example, or like the Hon'ble Sir Henry Wheeler or the Hon'ble Mr. Cumming, to avail themselves of the provisions of the present legislative measure. Formerly the stately houses in Russell Street or in Chowringhee Road used to be occupied by gentlemen in their position as single tenants for the whole house. Now they are let out in flats, and it is not an unusual thing for a Member of Council to occupy one flat, nor for merchant princes to occupy a few rooms in a house. Of course the cause of this is economic, the rupee has gone down, and salaries which were fixed many years ago according to old standards are now found to be insufficient. But it would be a very undesirable thing that this measure which is intended to relieve the poor should also give relief to men in affluent circumstances. Government ought not to do it. It has already been pointed out that a house owner has his difficulties. There is the rise in the price of land, building material and labour. These things have got to be taken into consideration when a rise in rent is demanded, but there are instances, as the Hon'ble Member has pointed out, where extravagant rents have been demanded and obtained, but they are exceptional cases, and if an enquiry is made it will be found that these instances are one in a hundred. I will just quote one instance. There was a house worth a lakh of rupees which yielded Rs. 400 a month; the tenants left, the house was repaired and there came along a gentleman who wanted to rent the house, but the landlord was not willing to accept the former rent, so he in a light mood demanded Rs. 1,400 as rent. The gentleman agreed to pay this and the house was rented. That is how the boom commenced and the rents were considered insufficient. I am speaking of the state of things in wards No. 15, 16 and 17 of the town, where mainly Europeans live. It does not follow that because there have been these cases that you ought to pass an emergent legislation which not only gives relief to the poor, but also to the rich, who do not require any assistance of this kind. As my hon'ble friend has pointed out, there are many landlords—."

(The Hon'ble Member having exceeded his time limit, had to resume his seat.)

The Hon'ble Mr. Phelps said :—

"My Lord, I did not come to this Council this morning intending to make a speech, for I thought it was a simple matter to send the Bill to the Select Committee, but my hon'ble and suave friend on the left, Rai Radha Charan Pal Bahadur, has forced me to get up and make a personal explanation.

My hon'ble friend has been replied to very efficiently by subsequent speakers who have opposed his amendment, therefore I do not consider it necessary to go over that ground again. But as my hon'ble friend has, with persistency, called attention to the fact that the Rent Committee was practically unanimous, and that I was the only dissentient, I feel it is only due to myself to observe that I was not the only dissentient. When the report came to me it contained a Note of Dissent by one of the European members of the Committee. It may have occurred to Hon'ble Members and to the public generally that in my Note of Dissent my observations were somewhat meagre and no arguments were used. The reason for that was that the previous Note of Dissent which had already been printed when it came to me went over the ground very thoroughly and it was not necessary for me to flog a dead horse. I therefore confined myself to the observation that I agreed with the other Note of Dissent and went on to make certain observations of my own. I think, my Lord, I am entitled to this personal explanation, and having done so, I do not think it necessary to pursue any arguments against the Rai Bahadur's amendment, but only to observe that it is very evident indeed that the only object of this amendment is to gain time."

The Maharajadhiraja Bahadur of Burdwan.

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I must confess that I have never seen my hon'ble friend the Squire of Baranoshi Ghose Street so much on the war-path as he has been to-day, but knowing as I do that his bark is worse than his bite, I hope that by the time we meet around the table for our deliberations in the Select Committee that he will have cooled down to a great extent. I must also confess that in all the arguments that he has put forward to-day I really do not find a single sentence as to why the Bill should be postponed. I take it that in his anxiety to prove to the Council certain other aspects of the question he forgot to emphasise that fact in the way that perhaps he had intended to do in the beginning. One of the arguments that he has brought against my statement is that I did not give him sufficient statistics to convince him of the extent to which profiteering and rack-renting had gone on in Calcutta. My Lord, I had rather been congratulating myself, which was perhaps a rash thing to do, that I had made a very clear statement, for I thought that in a measure of this kind it was best to lay one's cards on the table, but evidently that has not satisfied my hon'ble friend opposite. Then the Rai Bahadur went on to say that there were several reasons for rent of the houses in Balaram De Street and Zackariah Street having gone up, and then naturally being so much in touch with the Improvement Trust he thought he would produce a big stick to beat the Improvement Trust with. There was one characteristic case which he mentioned and which I think must have amused the Council, as I am sure it must have amused Your Excellency and the rest of the House, the picture of the gentleman who paid Rs. 42,000 as exemption fee to the Improvement Trust. Where my friend went too far was when he gave the whole show away by over-drawing that picture, for he went on to explain why the man had paid this. According to him, it was because in accordance with the traditions of the Indians, which I personally know very well, he did not wish to give up his ancestral house nor did he want someone else to come and build next door. Now, my Lord, the Bill is going to affect persons who rent their houses and not those who are going to live in their own houses. Therefore, I was not quite able to follow why this man, who had to pay Rs. 42,000 as exemption fee, should object to the Bill which we are now considering. Then, my Lord he went on to speak about motor-cars and other things regarding which I do not wish to copy his frivolity in the Council to-day. I am afraid my hon'ble friend Sir Henry Wheeler had the same difficulty in following him when he started to champion the widows' cause the other day as I find to-day, for it is difficult to follow his arguments. I really have not been able to gather quite why it is that he is so much in arms against the whole Bill. I can well understand, as the Hon'ble Member from Hooghly and one or two other gentlemen pointed out, his criticising certain provisions of the draft Bill, but the Rai Bahadur has tried to pick holes in the whole measure. Now, my Lord, I shall only say one word more to the Rai Bahadur. He wants that sufficient time should be given to circulate this Bill. My Lord the Hon'ble Maulvi Abul Kasem has pointed out why this is an emergency legislation and why we should treat it as an emergency legislation, and I do not think at this stage it is therefore necessary for me to emphasise that fact, for I think I made it quite clear in introducing this measure. When the Rent Committee went into the question we did consult certain bodies as to whether legislation in some form or other should be undertaken, and we consulted bodies who have their offices or have other interests in Calcutta, and I find that those who were opposed to the measure were those who would naturally do so, viz., those who had or who represented largely the interests of landlords. That being so, my Lord, I do not think it is at all necessary for the Government to again circulate this Bill and delay a legislation which cannot really be delayed for a moment.

The Hon'ble Maulvi Abul Kasem wanted my friend Mr. Phelps to be added to this Committee. Had it been possible, I would have gladly done so, but I think Mr. Phelps will himself admit that having identified himself with

the Rent Committee's report it would be best for him not to identify himself at this stage at any rate with the Select Committee on this Bill, and it is because the Government really wanted on the Select Committee fresh minds that we excluded his name, and for no other reason.

I have to thank my hon'ble friends Mr. Arun Chandra Sinha and Mr. Bhabendra Chandra Ray for the support that they have given me at this stage of the Bill. I can assure them that I am fully alive to the responsibility of Government and myself as a landlord in a measure of this kind, but I am really glad to find that they have been able to grasp the position and to gauge the situation. It is up to the landlords themselves to make such a legislation unnecessary, and I hope that these two gentlemen who have spoken to-day will support us at a later stage too.

Now I turn to the speech of the Hon'ble Rai Debender Chunder Ghose Bahadur, I admit, my Lord, I have not been able to follow him clearly. Nor is it my intention to follow the labyrinth of his mind over certain matters. But I do think that when he goes back from this Council to-day that he will think over as to whether it was really a generous remark for him to make that this Government or some of its higher officials were influenced in a measure of this kind by personal consideration—

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"Nothing was further from my mind."

The Hon'ble the Maharajadhiraja Bahadur, continuing, said :—

I beg the Hon'ble Member's pardon, but that was the impression that was left in my mind. I also rather gathered that he thought that this was a good opportunity for Government to get out of the position for the high prices of dhoties and other things by this means. I think here again an explanation from him might clear the air. What I do think is this, what after all is the position of Government in this? Is Calcutta to lag behind when in places like even Burma and Bombay they have already had this Act, and in Bombay at least, as I said in my opening remarks, the people had appreciated the benefit. Are the citizens of Calcutta going to be so narrow minded as to see nothing good in this Act? How are you, gentlemen, who have got to seek suffrage hereafter, not through your corporations, but through your large body of electors, going to figure in a measure of this kind when you have not the slightest sympathy with the tenants? I thank my hon'ble friends Mr. Arun Chandra Sinha and Mr. Bhabendra Chandra Ray as being not simply landlords in the narrow sense of Calcutta landlords, for the spirit that they have shown to-day in supporting this measure. It is not for me to say, but I think that Rai Radha Charan Pal Bahadur would himself slink away from any public meeting of tenants, although he showed a certain amount of bravado to-day. It would indeed be a very different thing when he comes to face a larger body of electors for his future seat. I do think that this is a measure which has been very carefully considered. Government have an open mind, as I have said, regarding any particular provisions of the Bill, but I do not think that the Bill is of such a nature as to be opposed from the very beginning. My Lord, I beg to oppose this motion."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, after the eloquent and rather heated observations of the Hon'ble Member in Charge of the Bill I think it is my duty to say a few words in reply. In the first place, although I have criticised rather severely some of the provisions of the Bill, I have more than once reiterated my view that

there should be some control over extortionate and rack-renting landlords. But because I cannot see eye to eye with the Hon'ble Member in Charge of the Bill as regards its different provisions which he has drafted—I do not know whether he is responsible for it but he is in charge of the Bill and therefore he is responsible—he has assumed that I am opposed to any control being exercised over rack-renting landlords. However exalted his position may be and however authoritative his observations may be, I must say that by making this assumption which he has no right to do, he has done me great injustice. What I meant to say, my Lord, is this. The publication of the Bill with a view to eliciting public opinion did not mean indefinite postponement or the wreckage of the Bill by obstructing legislation in any way. This is an unusual procedure very seldom and very rarely resorted to. When knowing the fact that excessive and exorbitant rents were to some extent prevailing in certain parts of Calcutta, Government appointed a Committee consisting of some impartial European gentlemen and when they could wait for so many months for the report of the Committee, which was received on the 25th February last, they cannot have the patience to wait for 10 or 15 days more to have the public opinion on the subject? What is the harm? Does the Hon'ble Member seriously mean to say that the tenant class will be decimated out of Calcutta if 15 days more were given for the consideration of the provisions of the Bill? I believe not. However frivolous my arguments may appear to him, I must say, if I am permitted to say so, that the Hon'ble Member's observations were quite uncalled for.

Then, my Lord, so much has been said about my defending the landlords. I am not defending the rack-renting and rapacious landlords. The Hon'ble Member in Charge of the Bill, who is a Member of your Excellency's Government, knows everything both of the landlords of Calcutta and of the landlords who belong to public bodies. His speech bristles with new facts which are not known to the public and he seems to assume, which he should not, that the Bill that he has prepared is a counsel of perfection. Does he know that the Port Commissioners—of course they are an individual landlord—have increased the rent to double and treble the amounts previously charged. They have demanded Rs. 100 of a tenant who used to pay Rs. 40, and Rs. 360 in the case of a tenant who used to pay Rs. 200. They have given notice to all tenants to quit if they are not agreeable to pay the enhanced rent. This is the notice from the Port Commissioners. If an inquiry is made in that quarter, it will be found that their rack-renting is more than in other parts of the town taken together. That is the reason why I say that the information given by the Hon'ble Member in Charge should be carefully examined and we should all consider the provisions of the Bill with a balanced and open mind. Out of the 17,000 tenanted houses in Calcutta I want to know in how many cases rack-renting has been resorted to and what is the percentage of cases. I am not opposed to legislation at all, but what I say is this. This Bill was circulated to us about five or six days ago, and perhaps lesser time—three or four days—was given to the public. And when I suggested that sufficient time should be given to the public to submit their suggestions, the Hon'ble Member in Charge turns away with the graveness which is always attached to the position of the Hon'ble Member belonging to Government. If he carries the impression of frivolity in his mind, then I must say that he is greatly mistaken."

The motion (No. 6A) was then put and lost.

ITEM No. 6B.

The Hon'ble Mr. P. C. Mitter moved by way of amendment that in the motion of the Hon'ble the Maharajadhiraja Bahadur of Burdwan (Item No. 6 in the List of Business), for the words "22nd March" the words "29th March" be substituted.

Mr. P. C. Mitter; the Maharajadhiraja Bahadur of Burdwan; Rai D. C. Ghose Bahadur.

He said :—

"My Lord, my motion is a very modest one, and I hope and trust that after the somewhat heated discussion which we had the Council will abjure heat and ask for more light. If my amendment be accepted it will be quite easy to pass the Bill before the present session of the Council is over. My Lord, I believe that the question is one of utmost importance to the community, and I am one of those who think that it is necessary in the interest of landlords as also of tenants to pass this Bill at an early date. It is extremely undesirable that the landlords and tenants should go on quarrelling with each other. The sooner the present bitter controversy ceases the better for all parties concerned. That is the reason why I am genuinely anxious that this Bill should be passed into law, whatever that law may be, before your Lordship's Government retire to the hills. My Lord, the time that I want is only a week's time and my reason for asking for it is this. Naturally Government action had to be somewhat hurried in this matter. Since the report of the Rent Committee was published in the *Calcutta Gazette* on the 25th February the Bill had to be drafted somewhat hurriedly between that and the date when the Bill was published or laid before the Council. I have no doubt that Government did not draft or prepare the Bill so long as the report of the Rent Committee was not placed before it, for that would be prejudging the whole thing. Therefore the Bill had to be drafted in a hurry—to-day is the 15th and if we take it up on the 22nd necessarily we will again be unduly hurried over the matter. The Bill, though of a temporary nature, deals with important matters and we should give our best consideration to it. That is why I am asking for a week's adjournment and the adjournment will be very helpful to the members of the Select Committee to give their full attention to the Bill."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, on behalf of Government I am willing to accept the amendment moved by the Hon'ble Mr. P. C. Mitter to substitute for the words '22nd March', the words '29th March.' "

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I am very much pained by the observations of the Hon'ble Member in Charge of the Bill that I made any insinuation as to the object of launching this measure in Council—that it was for the benefit of particular persons named. I think that only an idiot or a mad man can think of such a thing. I am really sorry if my words have led to any such impression. I am sorry that I should be considered capable of making such an insinuation."

The motion (Item No. 6B) was then put and agreed to.

The original motion (Item No. 6 in the List of Business) was then put in the following form and agreed to :—

"That the Calcutta Rent Bill, 1920, be referred to a Select Committee consisting of the Hon'ble the Maharajadhiraja Bahadur of Burdwan, the Hon'ble Mr. O'Malley, the Hon'ble Mr. G. N. Roy, the Hon'ble Mr. Payne, the Hon'ble Mr. Goode, the Hon'ble Mr. P. C. Mitter, the Hon'ble Rai Radha Charan Pal Bahadur, the Hon'ble Mr. Watson-Smyth, the Hon'ble Mr. Ashraf Ali Khan Chaudhuri, and the Hon'ble Babu Surendra Nath Ray, with instructions to submit their report in time for its circulation to members on the 29th March, 1920."

Mr. Cumming.

LIST OF BUSINESS—ITEM No. 7.

THE BENGAL AGRICULTURAL AND SANITARY IMPROVEMENT BILL, 1920.

The Hon'ble Mr. Cumming introduced a Bill to consolidate and amend the law relating to the construction of drainage and other works for the improvement of the agricultural and sanitary conditions of certain areas in Bengal.

He said :—

"My Lord, I have the honour to move for leave to introduce the Bengal Agricultural and Sanitary Improvement Bill, 1920. The necessity for this Bill originally arose out of the practical difficulties involved in the execution of small works of agricultural improvement which have for their object either the drainage of unculturable swamps or the storage of water for irrigation purposes. Government consulted public opinion on the matter with the result that a considerable demand for the execution of drainage projects for both sanitary and agricultural purposes was revealed, whilst opinion was unanimous that there was a need for an alteration in the existing law, viz., the Bengal Drainage Act and the Bengal Sanitary Drainage Act. For some time past Government had also been conscious of the difficulties in the working of these Acts. They therefore appointed a Committee to examine the whole law on the subject and to advise Government on the legislation which would be desirable to promote all types of drainage projects, small or large, agricultural or sanitary. That Committee submitted their report to Government in the month of August last year together with a draft Bill. Their opinion that the present machinery of the law is neither practical, simple nor effective has been recorded in the following words in the Statement of Objects and Reasons :—

'The procedure prescribed in the Bengal Drainage and the Bengal Sanitary Drainage Acts is more applicable to large schemes, whilst the Bengal Sanitary Drainage Act, as its name implies, cannot be utilised for purely agricultural projects. Moreover, even for large schemes, the procedure of these two Acts is unnecessarily rigid, cumbrous and dilatory. The Bengal Sanitary Drainage Act is the less elaborate of the two, but there are many matters in the Bengal Drainage Act which should be inserted in statutory rules rather than in the law. Neither Act contains provision for the execution of works initiated by private individuals or bodies of agriculturists registered under the Co-operative Societies Act, 1912. Finally, the provisions of both Acts for the apportionment and recovery of costs are unnecessarily rigid.'

The mechanism for such projects is also partially contained in other Acts, such as the Bengal Tenancy Act, the Land Improvement Act and the Bengal Embankment Act; but the application of these Acts is either limited or the sections relating to such mechanism are practically inoperative. After many years' experience of the difficulties of the working of the Drainage Acts, and in view of the necessity for developing agricultural improvement, Government have therefore no hesitation in adopting the recommendation of the Committee that as simple a Bill of procedure as possible should take the place of those elaborate Acts. Their main fault is their lack of elasticity. The present Bill has therefore been drafted so as to contain only the essentials of the procedure. It is intended that all details should be relegated to statutory rules or left to executive order in order that there may be as little clogging matter in the Bill as possible.

Mr. Cumming.

In a Bill of this description provision has to be made for the following items :—

(1) the initiation of a scheme,

(2) its preparation,

(3) its publication and the hearing of objections,

(4) the execution of the scheme,

(5) recovery of costs,

(6) control and maintenance,

(7) the financing of schemes,

(8) the distribution of the ultimate cost between one or more of any of the following classes—the local Government, local authorities, the landlords and tenants of the area benefited, and the applicant, and

(9) the apportionment of costs on the landlords and tenants of the area benefited.

As regards *initiation*, the Bill provides for the receipt of applications from any body or any local authority by the Collector, or for action by the Collector on his own initiative, which would include that of Government. The Bill directs the *preparation* of a scheme by any person who may be appointed to be an engineer for the purpose. This includes the applicant. It provides for the *publication* of the scheme and the hearing of objections. In the case of large schemes, it provides for examination of the project by a non-official committee appointed *ad hoc* and by the Sanitary Board. It provides that the scheme may be *executed* by the Collector, but it is not intended that this should preclude the Collector from authorising the applicant to execute the scheme. It provides, where such recovery should be made, for the *recovery of costs* from the persons benefited, and makes the necessary provision for the *control and maintenance* of the works when completed. The provisions of the Bill regarding the *financing* of schemes, *i.e.*, the initial provision of the funds required for its completion ; regarding the ultimate broad *distribution of the costs* between one or more of the following, namely, the local Government, the local authorities concerned, the landlords and tenants of the area benefited and the applicant ; and regarding the detailed *apportionment of the costs* between the landlords and tenants of the area benefited—are all elastic. It is no part of the intention of Government to say who shall pay for a scheme or how much he or they should pay. That entirely depends upon the particular merits of the scheme and the principles which should be applied to different classes of cases. The Bill in this respect is merely an enabling Bill.

In this connection I need hardly remind Hon'ble Members that in November last the Hon'ble Maulvi Abul Kasem moved a resolution that steps should be taken without delay for the improvement, re-excavation, renewal or reconstruction of irrigation tanks in Bengal and that necessary legislation in this connection be taken up as early as may be practicable. This resolution was accepted by Government, and the present Bill embodies the necessary legislation asked for by the Hon'ble Member. Again, I would draw attention to the fact that there is at present a number of anti-malarial projects the execution of which it is necessary to accelerate ; and it is hoped that in the present Bill will be found a remedy for the delays which have in the past been associated with such schemes."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 8.

RESOLUTION.

(*Under the rules for the discussion of matters of general public interest.*)

The Hon'ble Maulvi Abul Kasem moved the following resolution :—

This Council recommends to the Governor in Council that in consonance with the spirit of the Royal Proclamation, the Chief Presidency Magistrate, Calcutta, and the District Magistrates in this Presidency, be requested to re-consider the orders requiring keepers of presses and publishers of newspapers to deposit security and that all harsh restrictions on newspapers and presses be rescinded.

He said :—

"My Lord, I do not think many words from me are necessary to commend this resolution either to your Excellency's Government or to the Council. A good deal has been said or written about this subject, and if public opinion is to be voiced the proper course would have been to ask for the repeal of the Press Act itself but that does not lie within the jurisdiction of the Provincial Government. My request is a very modest one and is based on the action that has already been taken by some of the Provincial Governments in this country. We are on the eve of getting into the road of responsible Government, and for this purpose it is necessary that public opinion should be educated, created and expressed. We must have newspapers of all shades of opinion to ventilate the opinion of all sorts of people and all communities. Unfortunately under the present rules if anybody wishes to start a press he has to deposit a security before he is permitted to do so. That is a great wrong which is keenly felt by the keepers of presses, the journalists and the people at large. Even in the case of bad characters, whom the Government think it necessary to keep under restraint, they are not called upon to give any security for good behaviour before any charge is framed against them. They are given an opportunity to defend themselves and then orders are passed by a court of justice. But in the case of newspapers and presses the moment that a man wants to start a press or a newspaper he is called upon, without any charge, to deposit a security, and this stands in the way of the growth of newspapers. For this reason also a good deal of public opinion is not permitted to be expressed and voiced. I do not mean to say that newspapers should be given unlimited license, but after they have started a press if the Government think that they should be warned or punished they would be quite justified in asking them to deposit securities. In some cases the securities demanded by the authorities concerned—the Chief Presidency Magistrate or the District Magistrate—have been so severe that it practically meant extinction to many newspapers and presses, and one of the results of the application of this Act in Calcutta has been that there is not a single Urdu paper in Bengal. This is not a desirable state of things, because the large Urdu reading public of this province are deprived of the advantage of having a paper of their own. The Press Act hangs like a sword of Damocles over the heads of the proprietors of presses and newspapers.

I, therefore, submit that in view of His Majesty's Proclamation leniency should be shown to all sorts of people who were found guilty or punished under the emergency measures. A fresh concession has been granted all over the Empire, and I fail to understand why the newspapers, keepers of presses and journalists should be excluded from the advantages of the

clemency shown by His Majesty. As action has already been taken by some of the local Governments in this country I hope your Excellency's Government will accept this resolution and give some relief in the matter and remove the grievances in this connection."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I have much pleasure in supporting the Resolution, I am sorry the Resolution does not go far enough—it does not provide for the return of security money already forfeited by Government. I think the Government of Bombay have already ordered the return in many cases of money so forfeited. It is not necessary for me to state the circumstances under which the Press Act (Act I of 1910) was passed, why it was considered that the provisions of the Criminal Procedure Code or the Indian Penal Code were considered insufficient and inadequate. Some of the most diabolical and dastardly crimes had tarnished the fair name of Indians. Government considered that anarchy was abroad. It was considered that sedition was the natural and necessary outcome of the teachings of certain journals, that they had cultivated and watered the soil in which anarchy flourished and grew abundantly. The entire Press in India had been free since 1835 when Sir Charles Metcalfe repealed the License Act, except for one year during the time of the mutiny, and for about three years from 1878 to 1881 when a portion of the Press was subject to the nominal control by the Vernacular Press Act of 1878. It is therefore no wonder that the enactment of the Press Act and the enforcement of its provisions have created a good deal of discontent in the country.

My Lord, if teachings of history be any guide to us coercive press laws or rigorous Crimes Acts have never been productive of any good in any country. On the other hand they have been productive of the opposite effect. Of course the innocent need not fear. But is it fair upon any nation to keep the Damocles' sword hanging over its head for an indefinite period of time. Is it fair to keep the people always at the mercy of the executive, to retain on the Statue Book an Act which punishes without trial.

In the year 1878, Mr. Gladstone, a revered and honoured name in British history, said in the House of Commons in the course of the debate in connection with the repeal of the Vernacular Press Act : 'The most unfortunate feature which the measure presents is the removal of Press prosecutions from the jurisdiction of the judicial establishments of the country in order that they may be dealt with as matters of executive discretion.' He further said that 'a political question of great importance, of the utmost delicacy, viz., whether it is wise for the Government to take into its hands and out of the hands of the established legal jurisdiction the power of determining what writing is seditious and what is not.'

I am not going to enter into the controversy as to whether the Government was justified in passing the Press Act of 1910. But this must be said that at the present time in Bengal there is no sedition. There is peace within and calm around. Government may very well recommend for its repeal at least so far as Bengal is concerned without danger to the peace of the country. Men who are in a position to say so have declared that the Act has produced no good either to the Government or the people. At the time of the passing of the Act, Lord Sinha said in the Imperial Legislative Council : 'We do not touch existing newspapers. We ask the newspapers or the new presses which are to be started after the new Act is passed to give security; for what? Rupees 500 is the minimum. The Bill as originally introduced asked for Rs. 5,000 as the maximum. We have reduced it in Select Committee to Rs. 2,000. The Magistrate therefore in regard to new presses and newpapers has the power to require the security to be given, not for an

unlimited amount, but anything between Rs. 500 to Rs. 2,000 ; but unless we are to assume that the Magistrate is by nature and design a malevolent creature we may take it for certain that in ordinary cases he will not ask for more than Rs. 500 the minimum'. One would like to know in how many cases Rs. 500 was the security demanded.

After the Royal Proclamation which has been received throughout the country with gratitude and thankfulness to His Majesty every one naturally expects that your Lordship's Government following the spirit of that proclamation would abrogate that enactment and leave the press under the ordinary laws and as an act of clemency befitting the occasion return all forfeiture of money and thus earn the lasting gratitude of a really influential power in the country—the Indian Public Press."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, although the last speaker has travelled somewhat far from the particular matter of the resolution, I do not propose to inflict upon the Council a disquisition upon the subject of the Press Act, more especially since the Hon'ble Maulvi Abul Kasem has recognised that the Act was not a piece of legislation undertaken in this Council, and this Council, even if it would, has not the power to amend it. But in explanation of the action we have taken in respect of the Press Act in the light of the recent Royal Proclamation, I must submit three general propositions with reference to that Act. For a more elaborate argument in that connection, I would refer Hon'ble Members to the very able refutation of objections which was given by His Excellency Lord Chelmsford in response to a deputation in 1917, but for the sake of brevity I will confine myself now to the conclusions arrived at, and these are they.

In the first place, I submit that anybody who takes the trouble to refresh his memory as to the old history between the years 1905 and 1910, and to read the debates at the time of the passing of the Act, cannot but be convinced that there was a very real need of legislation of this kind, and that, if anything, owing to the delay in bringing it into force great harm was done which had many evil manifestations in various parts of the country.

The second point I would submit is that the Act has been worked, in Bengal at any rate, with extraordinary moderation. The other day we compiled some figures of the action taken between 1910 and 1919, and I will mention some of the more salient of them as they are not without interest. Of course, taking the period 1910 to 1919, we include a province of different areas, the one preceding the second partition, and the other after it, but both included Calcutta which is far the most important locality from this point of view. Between those years 1910-19 Government forfeited 137 publications in all, pamphlets and leaflets, under this Act, and if anybody cares to see samples of the kind of thing we have dealt with under section 12, I think they will readily admit that they were bloodthirsty revolutionary productions. Turning to the taking of securities in respect of publications, we have demanded in those years 74 securities, but in respect of 425 we did not ask for any security at all, thus disproving the impression that we pounce upon every nascent journalistic enterprise and grind it under the heel of the Press Act. In respect of presses, we have asked for securities in 141 cases, and failed to demand them in 616 cases. We have forfeited securities on four occasions only, while we have been content with the very mild procedure of warning in 34 instances. Therefore, Sir, I submit that on these figures the Bengal Government can claim to have carried clemency possibly to excess.

My third proposition would be that, situated as we are at the moment we cannot safely remove the Press Act from the statute book. It was stated

by Sir Herbert Risley at the time of the original debates, that the time for that might come when we had a press temperate in tone and honest in conviction, and while it may be said that a large section of the press comes under that description, yet, unfortunately, even now, there remains a section which has not so far afforded us reason to think that they can be trusted with an absolutely free hand, were that to be given to them.

Now, Sir, from these three general propositions, I will turn to the more particular matter of the resolution, which can only be read as meaning that, as a result of the Royal Proclamation, we should remove all the restrictions which have been imposed under the Press Act. What we have done is this. On receipt of the terms of the Royal Proclamation, we examined in detail the action which we had taken under the Press Act, and that fact accounts for the alleged dilatoriness which I have seen charged against us in various quarters. It is said that we have not struck off the fetters with the rapidity which has characterised Bombay and Madras and Rangoon, but the reason is that, having taken action in particular instances for valid reasons, we thought it best to re-examine those particular instances before we modified our action. That necessitated consultation with those who were acquainted with the facts, and some time was occupied in the process. We concentrated upon those cases in which security had actually been deposited; we have disregarded those in which security was demanded but not furnished, as if a man seeks a revision of orders of that kind he can come up and get the matter looked into once more. Taking the securities which have been deposited, we exempted 9 newspapers in Calcutta and 4 in the mofussil; also 30 presses in Calcutta, and 33 presses in the mofussil. That is a total of 13 newspapers and 63 presses. The orders have gone out to refund these securities. So I submit that we have given a real earnest of our desire to carry out to the full the intention of the Royal Proclamation and to encourage those who are prepared to show that they wish to introduce a better tone into the press. Certain cases are still pending, viz., 6 newspapers and 16 presses in Calcutta, and 2 presses in the mofussil. From the details previously furnished we were not satisfied that we had sufficient facts before us to allow of a decision. These were cases in which the local officials recommended that exemption should not be given, but we have asked for further information, on receipt of which orders will be passed. I submit, Sir, that we are doing our duty to the full in respect of the Royal Proclamation in its bearing on this matter, but in so far as the resolution implies that we should promise to discharge *all* restrictive orders that have been passed under the Press Act, I cannot undertake that we will do so, and therefore I cannot accept the resolution."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord. I have nothing further to add, except the fact that my intention was not to remove all orders of restriction under the Press Act but only a request to be more lenient to more presses and publishers and newspapers. I admit, Sir, that there have been very inflammatory writings in the press, but at the same time I can assure this Council that those who want to publish inflammatory newspapers or pamplets or leaflets are not in want of money; they have got funds behind them to do it without depositing security; they do not mind if their paper is confiscated or their security. The name of the press at which they are printed is not given on those papers nor do they deposit any security. But the fact is that it works hardly in the case of honest journalists who want to conduct a paper on honest lines, and because they are asked to furnish security before they start the press or newspaper they are handicapped and recede from their purpose, therefore we are in need of good, honest newspapers. However as I find the Hon'ble

Member in Charge is not prepared to accept my resolution. I cannot say anything further, except that at least in the case of new newspapers security may not be demanded before they are published."

The motion was then put and lost.

Adjournment.

The Council was then adjourned to Monday, the 29th March, 1920, at 1 A.M., at Government House, Calcutta.

J. F. GRAHAM,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.

CALCUTTA;
The 29th March 1920.

B. S. Press—10-4-1920—4902J—350—A.G.

PROCEEDINGS

OF THE

BENGAL LEGISLATIVE COUNCIL

For the meeting held on the 29th March, 1920.

Published by authority of the Council.

CALCUTTA:
THE BENGAL SECRETARIAT BOOK DEPÔT.
1920.

[*Price—Indian, Rs. 2.*]

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

The Council met in the Council Chamber at Government House, Calcutta, on Monday, the 29th March, 1920, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble SIR CHARLES STEVENSON-MOORE, K.C.I.E., C.V.O.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. F. J. MONAHAN.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM

The Hon'ble MR. S. W. GOODE.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NIBRATAN SARKAR, KT.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. M. CATHCART.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. R. M. WATSON SMYTH.

The Hon'ble MR. W. H PHELPS.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU SARAT CHANDRA CHAKRABARTTY.

LIST OF BUSINESS—ITEM No. 1.

AFFIRMATION OF ALLEGIANCE.

The Hon'ble Babu Sarat Chandra Chakrabartty made an affirmation of his allegiance to the Crown.

LIST OF BUSINESS—ITEM No. 2.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

The following questions which had been starred were put and answered :—

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***1.**

(*a*) Will the Government be pleased to state whether any sanitary survey of this province, district by district, was made with reference to the following:— Sanit Surve Provi

(*i*) improvement of silted up rivers and *khals* and *bils*;

(*ii*) improvement of sewerage in municipalities and drainage in rural areas,

(*iii*) improvement of water-supply in municipal towns and rural areas?

(*b*) What are the recommendations in this connection in the report of the Drainage Committee (1906 1907)?

(*c*) Have the projects recommended in the report been carried out?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*), (*i*), (*ii*) and (*iii*) No sanitary survey has been made district by district, but a considerable amount of work has been done in the last few years in surveying various areas in the Presidency Schemes for sewerage and water supply in municipal towns are generally prepared on the requisition of the Municipal Commissioners.

(*b*) The recommendations of the Drainage Committee are contained in Chapter V of the report, a copy of which is laid on the library table.

(*c*) Of the four schemes recommended for execution, the Bagpola scheme has been completed. The Nawi Sunthi scheme has been commenced and is now in course of construction. The Bhairab scheme is being investigated, and it is hoped that a project will be ready before the close of next year As regards the Gobra Nala scheme, action was taken to declare the nala under section 40 of the Bengal Irrigation Act and attempts were made to remove obstructions from its course under the provisions of the Act. These, however, proved ineffectual as fishing rights in the nala and the right to erect bunds for fishing purposes were claimed. The drainage cut from the Bistupur *Bil* to the nala has been remodelled, and for many years the water of the *bil* was allowed to flow into the nala in considerable volume. In regard to the Chalta and Chundoo *Bils*, the drainage channels leading into the nala were excavated.

Since the report of the Drainage Committee was published there has been a change in the principles adopted for anti-malarial schemes of drainage. It is no longer considered advisable to drain the Bistupur *Bil* into the Gobra Nala. The present idea is that it should be kept as full as possible in order

to prevent the breeding of mosquitoes and that at the end of the season the *bil* should be run dry into the Bhagirathi itself and not into the nala. In regard to the Chalta and Chundoo *Bils*, no further action has been taken beyond the excavation of the drainage cuts already alluded to. Before any permanent and effective anti-malarial scheme for the improvement of the Gobra Nala as a drainage channel can be given effect to, a scheme must be evolved which will include the flushing of the nala by means of water from some river and maintaining the water in the *bils* at a given level for the purpose of agriculture, and then for final drainage. Such a project has, however, not yet matured."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***II.**

Danger and inconvenience of pedestrians at the junction of Harrison Road and Strand Road in Calcutta and proposal for construction of an over-bridge.

(*a*) Are the Government aware of the dangers and inconveniences to which pedestrians, especially women and children, are subject in crossing the junction of Harrison Road and Strand Road in Calcutta on account of the continuous running of tram cars and carriages and also owing to cart traffic?

(*b*) If so are the Government considering the desirability of taking such action as may be necessary with a view to constructing an over-bridge joining the opposite footpaths at the junction?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) The matter appears to be one for the consideration of the Corporation of Calcutta and not of Government. Government have received no complaints on the subject and are not contemplating any action."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***III.**

Sheds for passengers at Hooghly Ghat and Garifa stations on E.I.R

(*a*) Are the Government aware that there are no sheds on the up and down platforms of the Hooghly Ghat and Garifa stations on the Bandel-Naihati branch of the East Indian Railway for the protection of passengers from the rain and the sun?

(*b*) If so, are the Government considering the desirability of recommending to the Railway authorities to take such action as they may consider necessary with a view to remove this grievance?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) and (*b*) The Hon'ble Member is referred to the answer given to unstarred question No. 7 asked by him at the Council meeting on 5th March, 1920. The attention of the East Indian Railway authorities has been drawn to the alleged inconvenience, and the Government of Bengal have no further information on the subject."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***IV.**

Appointment of District Inspectors in Provincial Educational Service.

(*a*) Are the Government taking any steps to give effect to the report of the Government of India on the progress of education in India, 1912—17, para. 100, page 42, regarding the appointment of District Inspectors in the Provincial Educational Service in each district?

(*b*) If so, when are these appointments likely to be made?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) The scheme for the appointment of a District Inspector of Schools in the Provincial Educational Service for each district has been kept in abeyance in view of financial difficulties, and Government see no prospect at present of being able to introduce it."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***V.**

(*a*) Are the Government taking steps to increase the pay of officers of the Lower Subordinate Educational Service?

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(*b*) Will the Government be pleased to state what provision has been made for the 18 officers of the Lower Subordinate Educational Service whose services have recently been dispensed with on the abolition of the posts?

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Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The answer is in the negative. In this connection the Hon'ble Member is referred to the reply given to unstarred question No. 21 asked by the Hon'ble Babu Sib Narayan Mukharji at the meeting of Council held on 5th March, 1920.

(*b*) The Hon'ble Member appears to be under a misapprehension. Government have not dispensed with the services of eighteen officers of the Lower Subordinate Educational Service."

UNSTARRED QUESTIONS.

(*Answers to which were laid on the table.*)

By the Hon'ble Babu Bhabendra Chandra Ray:—

1.

(*a*) Has the attention of the Government been drawn to the discussion, held in the Imperial Legislative Council on the 24th February last, on a resolution moved by the Hon'ble Mr. B. N. Sarma, recommending the abolition of control over inter-district and inter-provincial movements of rice and other food-stuffs, and particularly to the official statement made by the Hon'ble Mr. Mant in connection therewith to the effect that control had been removed everywhere except in the Panjab and the United Provinces?

Inter movem rice.

(*b*) If so, will the Government be pleased to explain, in the light of the above remarks, their recent statements that the inter-provincial movement of rice is subject to a system of control?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) The attention of Government has been drawn to the discussion in question. The Hon'ble Member is, however, labouring under a misapprehension. He is referred to the record of the proceedings of the Imperial Legislative Council which will be found at page 367 of Part VI of the *Gazette of India* of the 6th March, 1920, from which it will appear that the statement made by the Hon'ble Mr. Mant referred only to wheat and gram, and not to rice.

(*b*) Needs no reply."

By the Hon'ble Babu Bhabendra Chandra Ray:--

2.

Licenses for sale of intoxicating liquor and drugs.

(*a*) Is it a fact that on recent occasions licenses for the sale of intoxicating liquor and drugs have been granted by the Excise authorities to graduates and undergraduates in preference to the classes who were in the trade before?

(*b*) If so, will the Government be pleased to state whether this action denotes the adoption of a new policy?

(*c*) Will the Government be pleased to state the number of graduates and undergraduates who have been granted such licenses in the different districts?

Answer by the Hon'ble Mr. Marr:—

"(*a*) and (*b*) Yes. No new policy has been adopted. The policy is laid down in paragraph 211 (2) of the Bengal Excise Manual, Volume II, and is gradually to secure a body of honest and reliable licensees. With this object in view, in some districts the Collectors have selected graduates and undergraduates as licensees under the fixed fee system.

(*c*) A statement is laid on the table."

Statement referred to in answer to question No. 2 (c), asked by the Hon'ble BABU BHABENDRA CHANDRA RAY *at the Council Meeting on the 29th March 1920.*

DISTRICTS	Total number of licenses settled for 1920-21.	Number of graduates who were granted licenses for 1920-21.	Number of undergraduates who were granted licenses for 1920-21.
Burdwan	224	2	Nil.
Midnapore	244	Nil.	2
Hooghly	242	1	2
Howrah	118	Nil.	Nil.
24-Parganas	36	Nil.	1
Calcutta	179	20	11
Dacca	99	15	18
Mymensingh	210	3	7
Rangpur	182	Nil.	Nil.
Jalpaiguri	107	Nil.	Nil.
Darjeeling	47	2	1

By the Hon'ble Babu Bhabendra Chandra Ray:—

3.

Will the Government be pleased to lay on the table a statement showing the names of any political and State prisoners and other persons detained for political reasons, in Bengal, who have not been released yet? Unrel detenu Bengal

Answer by the Hon'ble Mr. Stephenson:—

"The number of persons confined under Bengal Regulation III of 1818 at the instance of the Government of Bengal is at present 37. Government are not prepared to publish the names of these persons. There are no other persons detained for political reasons in Bengal."

By the Hon'ble Babu Bhabendra Chandra Ray:—

4.

(*a*) Has the attention of the Government been drawn to the observations made by Mr. Noyce, Controller of Cotton Cloth, in his report, published in the *Gazette of India*, January 31, 1920, to the effect that in Bengal standard cloth was "popular amongst the people who got it" and that "the quantity of standard cloth sold was insufficient to affect the market rates of other cloth, but the fact that standard cloth could be counted on had a salutary effect on potential profiteers?" Stand for B

(*b*) Has the attention of Government been also drawn to the very small quantity of standard cloth indented for Bengal, as compared with the other provinces?

(*c*) Will the Government be pleased to state their reasons for not indenting for standard cloth in larger quantities in view of the observations referred to above?

(*d*) In what circumstances does the case of Bengal differ from those of the other provinces which indented heavily, justifying such action or lack of action on the part of this Government?

Answer by the Hon'ble Mr. Marr:—

"(*a*) Yes.

(*b*) Yes.

(*c*) and (*d*) The Hon'ble Member is referred to the speeches of the Hon'ble Mr. Crum and the Hon'ble Sir H. Wheeler at the meeting of this Council on the 19th February, 1919."

By the Hon'ble Babu Bhabendra Chandra Ray:—

5.

(*a*) Is it a fact that the Indian Association recently addressed the Government stating that it would appoint a standing committee who would be in perpetual session and would promptly submit their views on all questions relating to the reforms that might be referred to them from time to time as in the case of the committee appointed by this Council on the 3rd February last for a similar purpose? Opini publi associ on qu of ref

(*b*) If so, what reply has been given to the said communication?

(*c*) Are the Government aware that there is a considerable feeling in the country that public opinion on these questions should be ascertained not merely through a committee of this Council, but upon reference to recognised merely blic associations that might offer to deal with them expeditiously?
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Answer by the Hon'ble Mr. Stephenson:—

"(*a*) Yes.

(*b*) A copy of the reply of Government is laid on the table.

(*c*) Government have seen certain statements to this effect, but they have to be guided by what is practically possible, looking at the date on which the final elections will be held."

Copy of letter No. 570/71 A.R., dated the 27th February 1920, referred to in the answer to question No. 5 (unstarred) of the 29th March 1920, from the Additional Secretary to the Government of Bengal, Appointment (Reforms) Department, to the Secretary to the Indian Association and Secretary to the Marwari Association.

I am directed to acknowledge the receipt of your letter No. 14 dated the 6th February, 1920, regarding the formation of an Advisory Committee to deal with matters arising out of the proposals for Constitutional Reforms.

2 In reply, I am to say that, for the reasons outlined by His Excellency at the meeting of the Legislative Council on the 3rd February, 1920, it is not considered expedient to enlarge unduly the size of the standing committee which has been formed, and which it is intended to restrict to Members of the Legislative Council. The admission of claims to respresentation from some outside bodies must obviously lead to claims from others, which could not be conceded if the committee is to remain of manageable size. An endeavour will, however, be made to consult particular interests about individual points with which they may be specially concerned.

By the Hon'ble Babu Bhabendra Chandra Ray:—

6.

Purchase and sale of salt and shortage of supply at Sulkea Salt Golahs.

(*a*) Did the local Government modify all or any of the rates mentioned in clauses 1 and 2 of the notification No. 5068 Com., dated the 23rd December, 1919, fixing the maximum price at which salt should be sold with effect from the 1st January, 1920, in the case of contracts entered into before the date of the said notification?

(*b*) Has the attention of the Government been drawn by a number of Indian salt merchants to the fact that the European importers of salt compelled the Indian purchasers to pay rates higher than those fixed in the said notification, in respect of contracts entered into before the said notification but in respect of which contracts there was no appropriation of goods within the meaning of section 83 of the Indian Contract Act?

(*c*) Did the Indian salt merchants bring to the notice of the Government, in their letter to the Financial Secretary to the local Government, dated the 15th January, 1920, that they have received legal advice that the realisation of the higher rates by the sellers in respect of deliveries effected after the 1st January, 1920, even under contracts entered into before the date of the said notification, was a breach of the orders under the said notification?

(*d*) Did the Indian merchants approach the Government for relief in this connection?

(*e*) What inquiries have the Government made in this matter and what steps have the Government taken against those who committed a breach of the said notification?

(*f*) What steps have the Government taken to accord relief to the Indian merchants in respect of the higher rates realised from them by the European sellers?

(*g*) When issuing the said notification were the Government aware of the fact that on account of the shortage in the supply of wagons and on account of inadequate arrangements at the Sulkea Salt Golahs, salt purchased since about the 24th November, 1919, had not been given delivery of at the date of the said notification?

(*h*) Are the Government aware of the fact that at the date of the said notification, on account of the non-delivery of salt for the reasons mentioned in the last preceding question the Indian purchasers had to take delivery of about 7,00,000 maunds of salt under contracts entered into before the 23rd December, 1919, and that if they had to pay at the contract rates and sell at the rates mentioned in the said notification, they stood to lose heavily for no fault of their own?

(*i*) Are the Government aware that although the demands require a supply of about 100 wagons per diem at the Sulkea Salt Golahs, a much smaller number of wagons (sometimes numbering only 10 to 15) are in fact supplied?

(*j*) What steps have the Government taken to secure a larger supply of wagons to prevent serious shortage of salt?

(*k*) Are the Government aware of a feeling that exists that this shortage of supply cannot be merely due to the scarcity of wagons, inasmuch as wagons for despatch of salt have for some time been supplied at the Howrah Ghat Shed by reason of which preference is secured by a very few number of merchants?

(*l*) What steps have the Government taken to see that all wagons available for the conveyance of salt are supplied at the Sulkea Salt Golahs?

Answer by the Hon'ble Mr. Marr:—

"(*a*) No.

(*b*) These statements were made in their representations to Government.

(*c*) Yes.

(*d*) Yes.

(*e*) and (*f*) As this was a matter of legal interpretation which only a court of law was competent to decide, Government refrained from interference.

(*g*) Government have no official knowledge of the amount of salt purchased between the 24th November and 23rd December, but their information is that the purchases made in this period were very largely in excess of the amounts that could possibly have been delivered within a reasonable time in the most favourable conditions. It is true that there was a shortage of wagon supply, but this was well known to the trade before the large purchases referred to were made. There were occasions during the period when facilities for the removal of salt by boats were offered but were not accepted.

(*h*) See answer to (*g*). This has been stated by the Indian merchants in their representations to Government, who have no other source of information regarding contracts.

(*i*) Yes.

(*j*) The Customs Department have repeatedly drawn the attention of the Railway Company concerned to the shortage of wagons.

(*k*) This is a matter for the East Indian Railway.

(*l*) See answer to (*j*)."

By the Hon'ble Kumar Shib Shekhareswar Ray:—

7.

Settlement operations for Rajshahi Division.

(*a*) Will the Government be pleased to state whether a programme of major settlement operations for the Rajshahi Division has been decided upon?

(*b*) If so, will the Government be pleased to lay a copy of the programme on the table?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) and (*b*) The provisional programme of survey and settlement operations in the Rajshahi Division is as follows:—

	Years of traverse survey.
Pabna and Bogra	1919—22
Rangpur	1922—26
Dinajpur	1926—30

Survey operations have been commenced in the first block of the districts of Pabna and Bogra."

By the Hon'ble Kumar Shib Shekhareswar Ray:—

8.

Non-representation of Hindus of Natore subdivision on Rajshahi District Board.

(*a*) Is it a fact that there is not a single Hindu member representing the Natore subdivision on the Rajshahi District Board (excepting the present subdivisional officer, who is an *ex-officio* member)?

(*b*) If the answer to clause (*a*) is in the affirmative, are the Government considering the advisability of nominating a Hindu member to the District Board from this subdivision?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The answer is in the affirmative.

(*b*) Under the Local Self-Government Act appointments to District Boards are made by the Commissioner of the Division. That officer will consider the matter when the District Board is next reconstituted."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

9.

Prospects of members of Provincial services.

(*a*) Will the Government be pleased to state when it is proposed to give final effect to the recommendations of the Public Services Commission regarding the pay and prospects of the members of the Provincial Services, Executive and Judicial?

(*b*) Will the Government be pleased to lay on the table a detailed statement of the proposals, as finally decided upon, regarding the future prospects of these services?

(*c*) Will the Government be pleased to state what steps are proposed to be taken regarding the future pay and prospects of sub-deputy collectors?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) Final orders regarding the future pay and prospects of the Provincial Services, Executive and Judicial, have not yet been passed, but it is hoped that a decision will now be reached very shortly.

(*c*) The Hon'ble Member is referred to the answer given to unstarred question No. 10 at the meeting of the Council held on the 3rd February, 1920."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

10.

(*a*) Will the Government be pleased to state what amount, if any, has been spent regarding the improvement of the khals in Eastern Bengal, viz., Tulsi and Dolai khals out of the sum of Rs. 50,000 allotted in the current year's budget? Impro of kh Eastor

(*b*) If nothing has been spent, will the Government be pleased to state the reason why?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Of the special budget provision of Rs. 50,000 for improvement of waterways in the Dacca district, nothing has been spent.

(*b*) Owing primarily to the shortness of establishment which precluded the formation of a temporary works division at Dacca and secondly to the fact that no dredger is available."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

11.

Will the Government be pleased to state what has been done during the year for the improvement of the river navigation in the districts of Dacca and Mymensingh and what the Government propose to do during the coming year? Impro of riv navig in Da Myme distri

Answer by the Hon'ble Mr. Cowley:—

"The expenditure during 1919-20 on the maintenance of waterways in the Dacca district is estimated at Rs. 33,000, while for the year 1920-21 the budget estimate has been placed at Rs. 41,750.

It is not the intention of Government for financial and administrative reasons to take up, during the year 1920-21, any works involving capital expenditure on waterways in either the Dacca or Mymensingh district. It is, however, intended that as works now under construction are completed and financial and administrative reasons permit, to undertake capital expenditure on waterways in the Dacca district."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

12.

(*a*) Will the Government be pleased to make a statement detailing the building and sanitary schemes that may be under their consideration in connection with the Dacca University? Dacc Univ

(*b*) What is the total amount now to the credit of the Dacca University as grants from the Imperial and Provincial funds, recurring and non-recurring?

(*c*) What will be the probable capital and recurring expenditure for the Dacca University?

(*d*) Is it the intention of the Government to charge the Dacca University funds for the value of the Government buildings to be transferred to it?

(*e*) If so, what will approximately be the amount to be so charged for the respective buildings and other items of property, and on what principle has the said valuation been made?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) Government have under consideration proposals for the sewerage of the Dacca University area and for the following building projects:—

(1) Three halls.

(2) Ten residences for members of the University staff.

(3) Three residences for Government officers to replace houses which it is proposed to make over to the University.

(4) Three intermediate colleges.

(5) Buildings for the Dacca Training College, including a demonstration school.

(6) A hostel for the School of Engineering.

(7) Additions to and alterations in the buildings of the Dacca College, School of Engineering and the Eastern Bengal and Assam Secretariat.

(*b*) Approximately 62 lakhs on 31st March, 1920.

(*c*) The estimates have not yet been worked out.

(*d*) and (*e*) It is proposed to meet from the balance of the Imperial grants for the Dacca University the cost of constructing residences to replace the residences of Government officers which will be made over to the University. Estimates of cost are not yet ready."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

13.

The Department of Industries.

(*a*) Is it a fact that the first clause of the terms of reference for the Indian Industrial Commission was " whether new openings for the profitable employment of Indian capital in commerce and industry can be indicated "?

(*b*) Is the Department of Industries being organised on the basis of the recommendations of the Commission?

(*c*) Was the clause referred to above accepted by the Imperial and local Governments as a principle for the guidance of the activities of the Department of Industries?

(*d*) Before acquiring land for industrial purposes for the companies mentioned in reply to the Council question No 34 (unstarred) on 18th December, 1919, did the Government inquire as to, and, if so, will they be pleased to state, what percentage of the capital of these companies was " Indian "? In what sense has the word been taken?

(*e*) If no such inquiry has been made, will the Government be pleased to consider the desirability of directing such an inquiry to be made?

(*f*) Is the Director of Industries the final authority to judge of the national importance of the industries applying for special facilities of land acquisition?

(*g*) What procedure is followed before an acquisition is made?

(*h*) Have further lands been acquired for industrial purposes subsequent to the 18th December, 1919, or any application received for facilities for the purpose of land acquisition?

(*i*) Did the Government inquire as to, and, if so, will they be pleased to state, what is the percentage of Indian capital in the companies that have applied for or obtained special facilities in the forests for development of industries?

(*j*) Is it a fact that several large European companies have acquired and are acquiring extensive plots of land in the neighbourhood of Calcutta for starting industrial concerns?

(*k*) Have they applied for or received any help from the Government? If so, will the Government be pleased to state what is the nature of such help?

Answer by the Hon'ble Mr. Marr:—

" (*a*) Yes.

(*b*) Yes.

(*c*) Yes; but the suggestion in this and the following questions that facilities for the acquisition of land have been given to European capital and not to Indian capital in despite of this principle is misleading. The principle which Government have adopted in respect of such facilities is to grant them in order to foster industries in the interest of the general public. Whether European or Indian capital is employed is a question of initiative. Government would emphatically welcome an extension of the profitable employment of Indian capital in commerce and industry. Hitherto Indian firms have allowed European firms, whether the capital is mainly Indian or European, to take the initiative in most cases of the kind under consideration; they have themselves only taken the initiative in a limited number of cases.

(*d*) No; but it is understood that in three of the cases the capital was offered for subscription in India. It is impracticable in the case of specific companies to state what percentage of capital is Indian in the sense of being held by Indians, as such capital can change hands from day to day. Indian capital can therefore be best defined as capital which is offered for subscription in India.

(*e*) Government do not see the necessity for such an inquiry. The considerations which will weigh most with Government are the nature of the undertaking and the public interests therein

(*f*) No. Government are the final authority to decide whether the special facilities of land acquisition should be utilised in the interests of the general public.

(*g*) The procedure, which has been in process of development, is now as follows in respect of cases covered by the recommendations of the Industrial Commission. The application is referred for opinion to the Director of Industries, who refers it to the Board of Industries and Munitions, if the advice of that Board is required either by the Local Government or by him. On the receipt of his report Government, if they consider there is a *prima facie* case for the grant of facilities under the Land Acquisition Act, direct an officer to hold an inquiry under section 40 of the Land Acquisition Act. This report is submitted to Government through the Commissioner. If Government on perusal of that report and the Commissioner's opinion thereon are satisfied that the conditions of section 41 of that Act have been fulfilled, an agreement is executed with the company which is published in the Gazette. Action under section 6 and the following sections of the Land Acquisition Act is then taken.

(*h*) The question put by the Hon'ble Babu Akhil Chandra Datta merely related to the names of the industrial companies to whom facilities for land acquisition had been given prior to the 18th December. Applications from the following firms had also been received prior to that date—

(1) the National Tannery Company;

(2) the Bengal Chemical and Pharmaceutical Works, Limited;

(3) the Rajshahi Tannery Company;

(4) the Calcutta Electric Supply Corporation Limited, and

(5) two European firms.

The first three applications are at present under consideration. Facilities have been granted in respect of the fourth application in the ordinary course apart from the recommendations of the Industrial Commission: and they have been refused in the case of the fifth.

(*i*) No.

(*j*) Several companies, both European and Indian, have acquired or are acquiring extensive plots of land in the neighbourhood of Calcutta for starting industrial concerns.

(*k*) The only large European companies to whom help has been given by Government for starting industrial concerns in the neighbourhood of Calcutta are Messrs. Marshall, Sons and Company and Messrs. Thornycroft (India), Limited, on their application for the facilities of the Land Acquisition Act.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

14.

Cost of revision of pay of certain services.

(*a*) Will the Government be pleased to state the extra cost involved in the schemes for the revision of the pay and other emoluments of the officers in the following Imperial Services, so far as Bengal is concerned:—

(*i*) Indian Civil Service,
(*ii*) Indian Police Service,
(*iii*) Indian Medical Service,
(*iv*) Indian Educational Service,
(*v*) Indian Forest Service,
(*vi*) Indian Engineering Service?

(*b*) Are the Government in a position to give an approximate estimate of the additional cost likely to be involved in the near future by revision of the pay and other emoluments of gazetted officers employed in the different Provincial and Subordinate Services in Bengal?

(*c*) Has any estimate been prepared for any revision of pay of the ministerial subordinates employed at the headquarters offices of the Government of Bengal and in the district offices?

(*d*) What class of officers are entitled to house rent allowance under the Calcutta House Allowance Scheme, and what are their maximum and minimum salaries?

(*e*) Will the Government be pleased to state why ministerial officers employed in the Secretariat and attached offices are excluded from the benefits of the said scheme?

Answer by the Hon'ble Mr. Marr:—

" (*a*) and (*b*) Only approximate figures can be given in the following cases:—

(*i*) Indian Civil Service, Rs. 4,63,000.
(*ii*) Indian Medical Service, Rs. 1,81,000
(*iii*) Imperial Public Works Service, Rs. 85,375.
(*iv*) Provincial Civil Service, Rs. 5,90,000.
(*v*) Provincial Medical Service, Rs. 1,33,000.
(*vi*) Provincial Public Works Service, Rs. 35,000.

Separate figures are not available for the other services. The total figures of the estimated cost of revision of pay of officers, Imperial and Provincial, in the following services are as follows:—

Police Service, Rs. 1,87,000.

Education Service, Rs. 3,76,000.

Forest Service, Rs. 38,000.

(*c*) No.

(*d*) The Hon'ble Member is referred to rules I, II and III of the rules relating to the Calcutta, Bombay and Rangoon House Allowance Schemes.

(*e*) Ministerial servants employed in Calcutta are not of the class regarding which administrative difficulties have arisen. They have been generally recruited directly for Calcutta appointments, while the allowance is primarily intended for those gazetted officers who are liable to serve in any part of the province, and who receive no special salary or allowance when transferred to the Presidency town."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

15.

(*a*) Have the Government any statistics taken from any regular process of registration, of the total number of seamen employed in the Mercantile Marine?

(*b*) If so, what are the total number and main districts of recruitment?

(*c*) If there is no such record kept, are the Government considering the desirability of taking early steps for the purpose of keeping a proper record?

(*d*) What is the total number of these men who shipped from Bengal ports during the war and who were employed in keeping the seas open?

(*e*) Is it a fact that nearly nine hundred of these men, though non-combatants, lost their lives in the war?

(*f*) What relief has the Government granted to the dependants of those who died?

(*g*) Is there any agency of the Government through which they exercise supervision over the requirements of Bengal seamen employed in the Mercantile Marine, in the matter of their terms and conditions of service, health, food and clothing?

(*h*) Is there any special hospital provided for Indian seamen in Calcutta and Chittagong?

(*i*) Is there any place provided for these men to meet together for recreation purposes?

(*j*) What arrangement is there for the improvement and protection of their morals?

(*k*) If the answers to clauses (*f*) to (*j*), are in the negative, are the Government taking any steps to remedy this state of affairs?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) The total number is 155,911, but it is not known how many of these have died or discontinued working as seamen.

The main districts of recruitment are Dacca, Noakhali, Chittagong and Calcutta in Bengal and Sylhet in Assam.

(*c*) The Hon'ble Member is referred to the answers given above to questions (*a*) and (*b*).

(*d*) The total number is 108,392.

(*e*) Yes.

(*f*) A scheme of compensation for the dependants of lascars of British ships who were killed or injured through war risks was sanctioned by His Majesty's Government and worked by the War Risks Insurance Associations of the United Kingdom with the assistance of the Government of India and the Local Governments in the matter of the identification of the dependants and the payment of the allowances sanctioned. The details of the scheme were published in a Press Communiqué issued by the Marine Department of the Government of Bengal dated the 5th December, 1916, a copy of which is laid on the table.

(*g*) The Indian Merchant Shipping Act, 1859 (I of 1859), and the articles of agreement prescribed under the provisions of the Indian Merchant Shipping Act, 1883 (V of 1883), provide for the terms and conditions of service, health, food and clothing of the seamen. The Shipping Master, Calcutta, is the officer of Government responsible for seeing that the rights and interests of seamen are safeguarded.

(*h*) No.

(*i*) No.

(*j*) This question is not understood.

(*k*) Government are taking no steps in connection with the matters referred to in questions (*h*), (*i*) and (*j*)."

Communiqué referred to in the answer to question No. 15 (f) (unstarred) of the 29th March, 1920.

GOVERNMENT OF BENGAL.

Marine Department.

Dated Calcutta, the 5th December 1916.

SCHEME OF COMPENSATION FOR LASCARS OF BRITISH SHIPS.

WITH a view to provide for the dependants of lascars of British ships who are killed or injured through war risks, a scheme of compensation has been sanctioned by His Majesty's Government and will be worked by the War Risks Insurance Associations in the United Kingdom with the assistance of the Government of India in the matter of the identification of the dependants and the payment of the allowances sanctioned The War Risks Associations will settle all claims on receipt of the papers of identification from the Government of India, but payments to claimants will be made in India.

2. In order that the claims may be settled and payments made as soon as possible after a casualty or casualties are known to happen, the Shipping Masters, Calcutta and Chittagong, the Commissioner of Police, Calcutta, and the Magistrates of the districts of this Presidency, which are ordinarily the homes of the lascars, have been requested to issue notices throughout their respective jurisdictions explaining the scheme and inviting applications from persons directly affected by the death or injury of lascars. These officers have also been asked to obtain the assistance of persons or firms that recruit

lascars. To relieve immediate distress the Government of Bengal will, on receipt of the identification papers, sanction the payment, pending final award by the War Risks Association, of a provisional advance, not ordinarily exceeding one month's pay of the deceased, to the person entitled to receive the compensation. The scale of compensation is given below:—

WIDOW'S PENSION.

First Class.—Husband whose pay exceeds Rs. 35 monthly. *Pension Rs. 12 monthly.*

Second Class.—Husband whose pay is over Rs. 25 but does not exceed Rs. 35 monthly. *Pension Rs. 10 monthly.*

Third Class.—Husband whose pay is over Rs. 20 but does not exceed Rs. 25 monthly. *Pension Rs. 8 monthly.*

Fourth Class.—Husband whose pay is under Rs. 20 monthly *Pension Rs. 6 monthly.*

The widow's pension to cease on re-marriage.

CHILDREN'S ALLOWANCES.

An extra rupee per month to be allowed to all classes for each child up to the age of 14 years.

OTHER DEPENDANTS.

If no widow's pension is awarded then in necessitous cases allowances may be made to other dependants up to, but not exceeding, the amount of a widow's pension.

The amount awarded (within the above limits) to be based on the degree of dependency.

GENERAL.

The pay to be taken at the rate received by the husband at the time of his death without any addition by way of victualling allowance.

Arising out of a single death there cannot be awarded amongst all the dependants more than an amount equal to a single widow's pension, and children's allowances.

Claims for injury will, except in very serious cases, be settled by lump-sum payments calculated to cover the probable period of incapacity.

All claims should be submitted to the officers named in the above paragraph.

The Government of India are anxious that all persons entitled to compensation should receive it as quickly as possible and the Governor in Council hopes that the publication of this notice will tend to accelerate the receipt of the information necessary to enable Government to dispose promptly of all reasonable claims of lascars and their dependants.

F. A. A. COWLEY,

Secretary.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

16.

Nautical school for training of Bengal lascars.

(*a*) How far has the question of the establishment of a nautical school for the training of Bengal lascars advanced?

(*b*) Will the Government be pleased to state the general outline and scope of the school and its proposed standard of education?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The Hon'ble Member is referred to the answer given at the Council meeting of 5th March last to question No. 31 (*b*) by the Hon'ble Member, on the subject of the training of Indian seamen in the elements of the theory of navigation and for the training of Indians in the art of navigation on a scientific basis.

(*b*) The report of the committee referred to in that answer is awaited."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

17.

Want of platform, waiting-room and other conveniences for pilgrims at Sitakund station on Assam-Bengal Railway.

(*a*) Has the attention of the Government been drawn to the grievances of a very large number of Hindu pilgrims at Sitakund railway station on the Assam-Bengal Railway for want of a raised platform, a waiting-room, rest-house and a sufficient number of carriages, particularly on "Shiva Chaturdashi" day?

(*b*) Are the Government aware that these grievances of the Hindu public have repeatedly been brought to the notice of the Railway authorities and that nothing has yet been done by them for their removal?

(*c*) Are the Government considering the desirability of taking such action in the matter as they may think fit?

Answer by the Hon'ble Mr. Cowley:—

"(*a*), (*b*) and (*c*) The Bengal Government have no information on the subject. The Hon'ble Member is referred to the Railway Board."

By the Hon'ble Babu Akhil Chandra Datta:—

18.

Particulars of recent increase of pay sanctioned to officers of all services in Bengal.

(*a*) Will the Government be pleased to lay on the table an exhaustive statement showing the following particulars, viz.:—

(*i*) the increase in the rates of pay recently sanctioned in Bengal to the officers of all the services, Imperial, Provincial, Subordinate, Ministerial and others;
(*ii*) the total increase in each service;
(*iii*) the percentage of increase over the existing pay;
(*iv*) the date of sanction of such increase; and
(*v*) the date from which effect has been given or is proposed to be given to the scheme of increase in the different services?

(*b*) What are the services, if any, in which no increase of pay has been allowed?

Answer by the Hon'ble Mr. Marr:—

"A statement is being prepared and will be laid on the table when it is ready."

Mr. Cumming; Rai M. C. Mitra Bahadur; Maulvi Abul Kasem.

LEGISLATIVE BUSINESS.

LIST OF BUSINESS—ITEM No. 3.

THE BENGAL AGRICULTURAL AND SANITARY IMPROVEMENT BILL, 1920.

The Hon'ble Mr. Cumming moved that the Bengal Agricultural and Sanitary Improvement Bill, 1920, be referred to a Select Committee consisting of the Hon'ble Sir Charles Stevenson-Moore, the Hon'ble Mr. O'Malley, the Hon'ble Mr. Roy, the Hon'ble Mr. McAlpin, the Hon'ble Mr. Cowley, the Hon'ble Raja Hrishikesh Laha, the Hon'ble Kumar Shib Shekhereswar Ray, the Hon'ble Khan Sahib Aman Ali, the Hon'ble Mr. Altaf Ali, the Hon'ble Babu Akhil Chandra Datta, the Hon'ble Rai Mahendra Chandra Mitra Bahadur and the mover, with instructions to submit their report in time for its presentation at the July meeting of the Council.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said:—

"My Lord, I welcome this Bill, but I beg leave to discuss a matter which is a very important one regarding the principle of the Bill for the recovery of costs. I find that in the Bill itself there is no strong indication as to the recovery of costs from tenants, as well as the manner in which the costs are to be recovered. We find in clause 36 (*i*) and (*k*) indications to show that rules are to be framed for that purpose. I beg leave to say that the rules, if framed, are not open to the public for consideration, because the authority is delegated by the legislature to the Executive Government. It is far better that these rules, especially this rule being of a very important nature, should pass through the legislature and the public ought to have a free hand in this matter. I am fully aware of the fact that in the Drainage Act there are certain sections—41 to 44—which give indication as to the manner of the recovery of costs, but we do not find any such provision in this Bill, and the matter is delegated by the legislature to the Executive Government. If rules have been framed already, I submit that these rules ought to be brought before the Select Committee, and the legislature ought to have a voice in this connection. If the rules have not been framed, I submit it is high time that they should be so drafted and brought to the notice of the Select Committee and the legislature. It is highly necessary that it should be provided in the Act. In the Embankment Act we have got an indication as to how the cost will be recovered; in the Drainage Act we have also an indication to that effect. If they are not so indicated in this Bill it would be rather a difficult matter both for landlord and the tenant. My submission, therefore, to the Council is that the authors of the Bill will kindly consider whether it is necessary to do so here or not. If the rules are framed hereafter and given effect to, the public will not have the opportunity to speak in this connection. The principle which I have enunciated may be considered by the Council as well as by the Select Committee and particularly by the authors of the Bill."

The Hon'ble Maulvi Abul Kasem said:—

"My Lord, I take this opportunity of expressing the gratitude of the rural population in general and the agricultural class in particular to the Hon'ble Mr. Cumming and to your Excellency's Government for the introduction of this much needed measure. In this connection I submit for the consideration of the Hon'ble Member in charge and the Select Committee that as has been suggested by the Hon'ble Rai Mahendra Chandra Mitra Bahadur that everything ought not to be left to the rules and that some of the most important things which are to be included in the rules should be with advantage incorporated in the Bill itself. Secondly, I submit that

there should be some more definite proposals for re-excavation and what is more reclamation and improvement of irrigation tanks. It should be made obligatory on the Collector to pass necessary orders for the same whenever on inquiry he finds that it is necessary in the interest and improvement of agriculture. My Lord, there is one difficulty in this connection, and it is this: some of these irrigation tanks are owned by several owners, and they cannot combine together or agree to re-excavate or to improve or repair them, and the law should provide that if any of these co-owners so wishes he may with legal help be allowed to purchase the whole tank at a reasonable cost to be settled by the Collector or the Revenue authorities so that he may improve the same.

There is another matter to which I wish to draw the attention of this Council and that is about the pasture land. We deeply feel the necessity of pasture land in the rural areas and unless our cattle have got a pasture land they cannot be of much use. It is true that they can be fed with fodder and other things, but a grazing land is more necessary to the cattle than ordinary food. I hope this matter will be taken into consideration when the Bill is considered by the Select Committee.

With these words, my Lord, I beg to support the motion now before the house."

The Hon'ble Mr. Cumming said:—

"My Lord, at this stage the Hon'ble Rai Mahendra Chandra Mitra Bahadur has raised a question of principle, namely, the method according to which recoveries should be made. But after hearing his remarks on the subject, I venture to think that these remarks appertain more properly to a question of procedure. He is under a misapprehension if he thinks that it is proposed that the public should not be consulted at all regarding the rules for the recovery of costs. If he will refer to clause 36, he will see that it is laid down that no rules are to be passed without previous publication, which obviously includes consideration of any opinions which are received after such publication. In any case, I can inform him that there are at present rules in draft, which will be shown to the Select Committee; but, if this Bill is hereafter passed, the rules will be published formally and submitted for public criticism. So much as regards his objection.

As regards the first point raised by the Hon'ble Maulvi Abul Kasem, I can assure him that the question of the re-excavation of tanks will be considered by the Select Committee. As to his other point, the provision of pasture land was not one of the primary objects contemplated in this Bill.

With these remarks, my Lord, I desire again to move that the Bill be referred to a Select Committee."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 4.

THE CALCUTTA RENT BILL, 1920.

The Hon'ble the Maharajadhiraja Bahadur of Burdwan presented the Report of the Select Committee on the Calcutta Rent Bill, 1920.

He said:—

"My Lord, I beg to present the report of the Select Committee on the Calcutta Rent Bill. The report of the committee summarizes the changes made by it in the Bill and although it is perhaps unnecessary for me to

recapitulate those alterations which are more of form than of substance, I think I should refer to some of the important changes affecting the main principles of the Bill which have been made by the Select Committee. In the first instance, I may point out that the scope of the Bill has been considerably restricted. As introduced in Council it applied to lands let separately for the purpose of business and trade, to lands on which buildings had been erected, to any buildings or part of a building let separately for any purpose whatever and to any land let together with such a building or part of a building. The Committee thought that this definition was too comprehensive in its scope and that it was unnecessary that it should apply in all the cases which I have just mentioned and which would include such cases as Mills, Factories and Warehouses and even to lands let for, say, use as timber yards. The definition of premises has, therefore, in view of this fact, been altered and it now includes only buildings or parts of buildings let for residential, charitable, educational or public purposes or for use as shops and offices together with the land attaching to them and let with them, such as compounds. Stalls for the retail sale of goods in markets where meat, fish, fruits, vegetables, or live-stock are bought and sold have been excluded as it was felt that there would be great practical difficulty in applying standard rent to such stalls of which the rent must depend on the nature of the season and of supply. In my speech when introducing this Bill, I expressed a desire to see hotels brought within the operations of the Bill. I am glad to say that the Committee were unanimously of this view, and the opportunity has been taken to bring within the scope of the Bill rooms in hotels, boarding houses and lodging houses, the occupants of which have, as the members of this Council are aware, been often mercilessly exploited. I hope that a solution of this difficulty has been found by the Select Committee. We have accordingly provided that the tenants or occupants of rooms in hotels, boarding houses and lodging houses who are aggrieved by exorbitant demands may apply to the Controller to fix an inclusive rent or charge. The Controller may then proceed to take into consideration the cost of food, furniture and service as well as the rent or charges paid on the 1st April, 1919, and fix such rent or charge as he may deem just.

The next important change which we have introduced is that the landlord is not to get merely the bare rent he received on the 1st April, 1919, or, where premises were not then let, the bare rent at which they were last let before that date. What we felt was that the Bill if passed into law would be in operation ordinarily for three years and that, therefore, under all the circumstances, it was not unreasonable in view of the expenses, high prices of building materials and increased cost of living which landlords have had to bear just as much as other sections of the community that they should be allowed a certain percentage of increase over the old rent. The demand made for this increase, my Lord, in the Select Committee was certainly a very exorbitant one, but I am glad to say that after a good deal of argument we came to the unanimous decision that a 10 per cent. increase as is allowed for in the Bombay Act of 1918 and also in the recent amending English Act of 1919 would not be unreasonable. This is a substantial concession granted to the landlords and I hope that they will be the first to realise and appreciate that fact.

To meet the wishes of some of the members of the Select Committee we have limited the scope of the selection of a Controller. Considering that he will have a very important task allotted to him we trust that the change will commend itself to the public.

When introducing the Bill, I stated that Government whilst anxious to put a curb on the passion for high rents of rapacious landlords was equally anxious to avoid anything which might interfere with the development of Calcutta by new buildings. In order to put this principle into practice we have made important alterations in clauses 9(*a*) and 10. Under clause 9, the payment of premia and bonuses, more commonly known in this country as *salami*, has been rigorously barred. But we thought that an exception would not be out of place where premises were going to be let out on a long lease for the purposes of development by building or

rebuilding. In such cases we considered that the customary payment of *salami* should not be ruled out of court and we have therefore allowed it. But we have added a safeguard, viz., that the Controller must be satisfied that the premises are *bonâ fide* required for the purposes of building or rebuilding in order to develop the property. Similarly in clause 10, we have allowed the landlord a right of re-entry to his property if he requires it *bonâ fide* for the purposes of building or rebuilding. Some other important changes have also been made in this clause. In order to guard against landlords ousting their tenants on the pretence that they require the houses for their own occupation and then re-letting them to other tenants, it has been provided that the original tenant shall have a right of re-entry if they are re-let to anyone else within six months after he gives up possession. We have further made it clear that it is not intended that the tenant may be evicted on the expiry of his lease if he is willing to pay the standard rent. But the landlord will still have power to get *khas* possession if the tenant abuses his privileges or is a nuisance or annoyance to his neighbours. As a further protection to the tenant who has to deal with a bad landlord we have provided that he may deposit his rent with the Controller if the landlord refuses to accept it. On the other hand we have provided that the large benefits of this clause and its wide power of protection should not be enjoyed by bad tenants who are in arrears with their rent and who do not pay their rent regularly.

I may now turn to clause 15 and to the important sub-clause under which the Controller is given power to fix the rent of houses of which the rent is in his opinion unduly low. The clause as originally drafted was defective as it did not provide for cases in which premises were not let on the 1st April, 1919. This defect has now been remedied. In the clause as originally drafted it was also provided that a standard rent in such cases was not to exceed the highest rent paid for the premises since 1st April, 1914. We have made two exceptions to this general rule. There are cases in which the rent has not been raised at all since 1914, and whilst it is quite right that we should not encourage inconsiderate landlords, we should at the same time afford protection to a generous and considerate landlord of this kind who should not be limited to the bare rent he has been receiving, and who should therefore be allowed an increase. The clause, therefore, has been amended so as to provide that where the rent has not been increased by more than 25 per cent. since 1914, the Controller is to have discretion to fix whatever rent he may think fair after considering all the circumstances of the case. It was also pointed out to us that some provision should be made for cases where a low rent is paid in consideration of the payment of a *salami* which as the Council may be aware is not infrequently a form of capitalized rent. It would not be reasonable in such cases to expect the landlord to go on receiving the bare rent without any regard to the amount paid as *salami*. But I may point out that the intervention of the Controller is limited to only those cases in which the rent is in his opinion unduly low.

Certain changes have also been made in the provision of the Bill dealing with the Courts to which landlords and tenants may apply for the redress of their grievances. In the first place, we have deleted clause 14 under which a tenant could go to a criminal court for the recovery of over-payment. There are objections to using the criminal courts for this purpose and in any case when the tenant has the right under clause 13 of deducting such over-payment from his rent it seems a little superfluous that he should be allowed to go to the criminal court, not to mention the fact that it would increase litigation which we are anxious to avoid. In clause 18, we have substituted "the President of the Improvement Tribunal" for the "Chief Judge of the Small Cause Court" as the court to which those who are dissatisfied with the decision of the Controller can apply. It is thought that the President of the Tribunal who has an intimate knowledge of the values of property in Calcutta would be a fitting authority for the revision of the Controller's orders and also that this change would expedite the disposal of cases.

Sir Henry Wheeler.

Lastly, I may refer to clause 19 which has been considerably tightened up so as to make it clear that it applies to all premises coming under the Act and also to bring the payment of *salami* within its purview.

My Lord, from the beginning I realised that the report of the Select Committee could not be an unanimous one and it will, therefore, be found that attached to it there are no less than four notes of dissent. Three of them are very much in favour of the landlords which I hope will go to prove that whilst Government have made considerable changes in the Select Committee in favour of the landlords yet from their point of view their demands still remain unsatisfied. There is only one note of dissent which is more or less in favour of tenants and although, I am sorry, the Hon'ble Mr. Ashraf Ali Khan Chaudhuri has not stuck to the compromise to which after a great deal of difficulty I was able to get the landlord element in the Select Committee to come to with regard to clause 2(*f*)(*i*) and to which he himself agreed, I am glad that he has at least had the courage to put forward his views in favour of the tenants. On the whole the Bill as it has now emanated from the hands of the Select Committee is a very fair one both to landlords and tenants and now we must leave it to the good sense of this Council to pass it into law without further radical changes on the day it comes up for final discussion."

LIST OF BUSINESS—ITEM No. 5.

BENGAL BUDGET, 1920-21.

The Hon'ble Sir Henry Wheeler presented the Budget of the Government of Bengal for 1920-21.

BUDGET OF THE GOVERNMENT OF BENGAL, 1920-21.

FINANCE DEPARTMENT.

FINANCE.

Calcutta, the 27th March 1920.

MEMORANDUM.

In accordance with rule 33(*1*) of the Bengal Legislative (Financial Statement) Rules, 1912, published with notification No. 4482-F., dated the 10th December 1912, the budget will be presented to the Council on the 29th of March 1920.

2. Of the resolutions moved at the meeting of the Legislative Council held on the 13th March last, the following recommendations were carried :—

(*a*) A provision of Rs 25,000 for an anti-malarial survey of the area in the vicinity of Calcutta.

(*b*) A provision of Rs. 23,000 for building offices and quarters for sub-registrars in the Presidency.

The money required for the anti-malarial survey has been provided for; the small charge of Rs. 23,000 for buildings of the Registration Department has not, however, been made in the budget, but the necessary funds will be transferred to the head "45—Civil Works—Public Works Department" next year.

3. An Appendix E has been added, as usual, to show the transactions of District Boards and the District Road Fund (Darjeeling), although this does not form part of the provincial budget proper.

4. The members in charge of the different departments would be much obliged, if, in accordance with the practice in previous years, Hon'ble Members will give as early intimation as possible of any points which they may desire to raise, in the debate on the 7th April 1920, in order that information may be collected regarding them.

H. WHEELER.

GOVERNMENT OF BENGAL.

FINANCE DEPARTMENT.

Financial Statement for 1920-21.

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Budget of the Government of Bengal for 1920-21.

tement of proposed receipts for 1920-21, embodying also the Revised and Budget Estimates for 1919-20 and the Accounts from 1916-17 to 1918-19.

[The figures are in thousands of rupe

Receipts.	Accounts.			1919-20.		1920-2
	1916-17.	1917-18.	1918-19.	Sanctioned estimate	Revised estimate	Budge estima
1	2	3	4	5	6	7
	Rs.	Rs	Rs.	Rs	Rs.	Rs.
ning balance ...	2,79,19,135	3,39,64,039	3,67,64,673	3,70,52	3,72,00	4,07
l Heads of Revenue—						
I—Land Revenue ...	1,65,02,460	1,61,19,880	1,67,97,277	1,66,21	1,66,80	1,66
V—Stamps ...	1,20,75,985	1,16,05 915	1,21,82,625	1,27,50	1,50,00	1,55
V—Excise ...	1,44,44,229	1,56,36,222	1,76,63,711	1,87,00	1,81,00	1,87
VI—Provincial Rates ...	1,31,841	1,39,091	1,12,434	1,24	1,10	1
II—Income tax ...	84,27,714	1,03,96,235	1,12,01,323	88,75	1,55,00	2,00
X—Forests ...	13,38,779	13,76,970	19,41,104	16 30	19,00	20
X—Registration ...	21,48,927	19,04,027	19,17,737	19,00	27,00	27
Total ...	5,59,72,935	5,71,78,340	6,21,19,211	6,06,00	6,99,90	7,56
II—Interest ...	6,49,942	6,89,791	5,62,255	5,33	6,07	6
by Civil Department—						
VI—Law and Justice—						
A—Courts of Law	9,21,386	11,22,200	11,24,384	11,88	13 30	13
B.—Jails ...	12,13,040	12,01,713	14,76,874	10,01	17,32	10
II—Police ...	1,83,633	1,87,151	2 52,168	2,37	3,40	2
II—Ports and Pilotage	12,60,964	10,06,412	12,36,652	12,04	13,00	1
IX—Education ...	9,47,392	9,51,950	9,83,109	10,29	10,40	1
XA—Medical ...	3,73,618	4,00,834	4,15,812	3,96	4,40	
XB—Sanitation ...	83,937	12,322	6,509	10	68	
IA—Agriculture ...	1,16,197	1,21,456	1,67,583	1,85	1,85	
IB—Scientific and Miscellaneous Departments	12,60,469	26,35,397	13,64,422	10 82	18,00	1
Total ...	63,60,636	76,39,438	70,27,513	63,92	82 35	7
neous—						
I—Receipts in aid of Superannuation.	59,911	57,369	64,756	58	64	
I—Stationery and Printing	1,49,799	1,40,397	1,72,803	1,49	2,00	
V—Miscellaneous ...	7,51,242	5,65,563	6,07,227	6,99	6,50	
Total ...	9,60,052	7,63,029	8,44,786	9,06	9,14	
on—						
X—Major Works (direct receipts)	1,44,866	1,39,151	1,52,437	1,40	1,50	
X—Minor Works and Navigation—						
By Public Works Department.	3,92,248	4,23,696	4,73,988	5,00	4,25	
By Civil Department	24,940	22,128	24,941	29	29	
Total ...	5,62,054	5,84,975	6,51,366	6,69	6,04	
gs and Roads—						
I—Civil Works—						
By Public Works Department.	5,66,507	4,79,016	8,39,669	5,55	6,00	
By Civil Department	2,90,949	1,38,959	1,39,390	1,69	1,45	
Total ...	8,57,456	6,17,975	9,79,059	7,24	7,45	
Transfers between Imperial and Provincial Revenues.	+17,69,861	+11,94,252	+17,16,730	+31,59	+20,30	—9
Total Receipts ...	6,62,32,036	6,86,67,800	7,39,00,920	7,29,83	8,31,25	8,
Grand Total ...	9 41,51,171	10,26,31,839	11,06,65,593	11,00,35	12,03,25	12,

Statement of proposed charges for 1920-21, embodying also the Revised and Budge Estimates for 1919-20 and the Accounts from 1916-17 to 1918-19.

[The figures are in thousands of rupe

EXPENDITURE.	ACCOUNTS.			1919-20.		1920-
	1916-17.	1917-18.	1918-19.	Sanctioned estimate.	Revised estimate.	Budg estima
1	2	3	4	5	6	7
Direct Demand on the Revenues—	Rs.	Rs.	Rs	Rs.	Rs	R
1. Refunds and Drawbacks ...	2 68,362	2,43,021	2,28,903	2,74	3,35	2
2. Assignments and Compensations	54,695	76,399	1,38,937	1,50	1,52	1
3. Land Revenue	34,92 481	34,94,026	38,21,266	38.14	38.50	5
6. Stamps	3,13,186	3,15,099	3,36,265	3,42	3,95	4
7. Excise	9,39,493	9,99,661	10,57,500	11,37	11,69	11
10. Income-tax	81,377	87,086	98,004	1,06	1,09	1
11. Forests	6,19,649	7,38,713	8,25,835	7.66	9,30	1
12. Registration	11,34,770	11,41,039	11,33,912	12,21	13,00	1
Total ...	69,04,013	70 95,044	76,40,622	78,10	82,40	9
13. Interest on o dinary debt ...	5,01,745	4,72,123	4,56,074	4,47	5,10	
Salaries and Expenses of Civil Department—						
18. General Administration ...	24,82,180	25,83,941	25,93,267	26,38	27,17	27
19. Law and Justice—						
A.—Courts of Law ...	99,20,187	1,00,08,704	1,04,01 062	1,04,35	1,06,33	1,14
B.—Jails	27,96,318	30,35,129	37,82 306	30,04	41,00	4
20. Police	1,16,57,283	1,26,13,287	1,32,25,406	1,36,21	1,43,00	1,5
21. Ports and Pilotage ...	11,15,029	11,60,185	12,85,749	13,31	25,34	1
22. Education	76,87,152	80,92,061	86,12,234	97,86	95,08	1,21
24A. Medical	23,36,330	28,04,071	29,01,028	27,69	31,00	37
24B. Sanitation	3,93,456	4,69,180	7,71,020	18,66	15,00	1
25. Political	89,380	2,79,727	2,87 037	2,70	43	
26A. Agriculture	10,86,600	11,71,522	14,26,032	17 48	17,25	21
26B. Scientific and Miscellaneous Departments ...	4,69,606	5,55,255	25,47,719	10,68	9,15	1
Total ...	4,00,33,521	4,27,73,062	4,78,32,860	4,85,36	5,10,75	5,5
Miscellaneous—						
29. Superannuation, etc. ...	33,01,098	33,75,972	34,96,064	35,47	37,77	4
30. Stationery and Printing ...	12 91,585	13,73,722	13,73,668	14,93	16,30	1
32 Miscellaneous ...	2,47,836	3,24,679	6,94,265	9,34	5,88	24
Total ...	48,40 519	50,74,373	55,63,997	59,74	59,95	8
Famine Relief and Insurance—						
33. Famine relief	1,47,237	...	8,678	50	3,15	
34. Reduction or avoidance of debt	60,000	...	...	...	...	...
Railways (Revenue Accounts)—						
40. Subsidised Companies—Land, etc	6	...	...	...	...	...
Total ...	2,07,243	...	8,678	50	3,15	
Irrigation—						
42. Major Works—						
Working expenses ...	92,902	85,650	1,15,543	1,02	1,13	1
Interest on debt ...	1,65,402	1,74,263	1,74,705	1,75	1,75	1
43. Minor Works and Navigation—						
By Public Works Department	10,01,210	11,71,568	12,95,089	17,53	15,25	20
By Civil Department ...	852	790	946	1	1	
Total ...	12,60,366	14,32,271	15,86,283	20,31	18,14	23
Buildings and Roads—						
45. Civil Works—						
By Public Works Department	56,55,383	77 95,690	92,34,411	1,13,00	1,05,00	1,2
By Civil Department ...	7,84,342	12,24,603	11,42,123	15.64	11,69	1
Total ...	64,39,725	90,20,293	1,03,76,534	1,28,64	1,16,69	1,3
Total charges ...	6,01,87,132	6,58,67,166	7,34,65,048	7,77,12	7,96,18	9,0
Closing balance ...	3,39,64,039	3,67,64,673	3,72,00,545	3,23,23	4,07,07	3,4
GRAND TOTAL ...	9,41,51,171	10,26,31,839	11,06,65,593	11,00,35	12,03,25	12,4
Provincial surplus (+) or deficit (−)	+60,44,904	+28,00,634	+4,35,872	−47,29	+35,07	−6

BUDGET

OF THE

GOVERNMENT OF BENGAL

FOR

1920-21.

PART I.—General Review by the Finance Member.

GENERAL FINANCIAL SITUATION.

This statement is presented to the Council under rule 33 (*1*) of the Bengal Legislative (Financial Statement) Rules, published with Notification No. 4482 F., dated the 10th December 1912. On the 19th and 22nd of December last, when the departmental budgets were under preparation, the Hon'ble Members of the Finance Committee were invited in an informal meeting to advise Government as to the selection of new schemes for inclusion in the coming year's budget. As required by rule 6 (*1*) of the Bengal Legislative (Financial Statement) Rules, 1912, copies of the Draft Financial Statement were formally presented to the Finance Committee on the 23rd January 1920, and the Committee was asked to advise on the distribution of the "unallotted" expenditure provisionally allowed by the Government of India in passing orders on the first edition of the budget. On the 27th of February 1920, under rule 11 (*1*) of the Rules for the discussion of the Annual Financial Statement, all the Hon'ble Members of this Council were supplied with copies of the Amended Draft Financial Statement, together with copies of the second edition of the Civil Budget Estimates. Again under rule 14 (*1*) of the Bengal Legislative (Financial Statement) Rules, copies of the Revised Financial Statement were supplied to all the Hon'ble Members of this Council on the 12th of March 1920.

This memorandum is divided into two parts. Part I gives a brief review, and Part II more detailed particulars, of the provincial transactions. It is only necessary here to refer to the more important figures.

2. The budget for the current year provided for an opening balance of Rs. 3,70,52,000, but the actual opening balance amounted to Rs. 3,72,00,000, exceeding the estimate by Rs. 1,48,000. The increase in receipts occurred mainly under Income-tax (Rs. 2,01,000), Land Revenue (Rs. 1,76,000), Public Works Department (Rs. 2,74,000), Jails (Rs. 1,77,000), Forests (Rs. 1,44,000), Stamps (Rs. 83,000), Law and Justice—Courts of Law (Rs. 57,000) and Transfers between Imperial and Provincial (Rs. 8,33,000). The increase would have been larger but for the fall in revenue under Scientific and Miscellaneous (Rs. 5,16,000), Miscellaneous (Rs. 3,46,000) Excise (Rs. 1,36,000), and Ports and Pilotage (Rs. 73,000). The expenditure was Rs. 7,96,000 in excess of the revised estimate, due mainly to an

increase under Land Revenue (Rs. 3,03,000), Jails (Rs. 4,46,000), Police (Rs. 1,80,000), Medical (Rs. 2,34,000), Scientific and Miscellaneous (Rs. 3,39,000), and Education (Rs. 1,12,000). The excesses were, however, to some extent counterbalanced by savings under Sanitation (Rs. 1,33,000), Agriculture (Rs. 1,08,000), Public Works Department (Rs. 2,66,000), 43—Minor Works (Rs. 1,22,000), and smaller savings under Stationery and Printing and Miscellaneous. The transactions of the year thus showed a surplus of Rs. 4,36,000, against the surplus of Rs. 2,88,000 anticipated in the revised estimate, thereby causing an increase of Rs. 1,48,000 in the opening balance.

3. Turning now to the general financial situation of the province in the current and coming financial years, the following is a summary of the position:—

	Budget estimate, 1919-20	Revised estimate, 1919-20	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.
Opening balance	3,70,52,000	3,72,00,000	4,07,07,000
Receipts	7,29,83,000	8,31,25,000	8,39,74,000
Expenditure	7,77,12,000	7,96,18,000	9,03,39,000
Closing balance	3,23,23,000	4,07,07,000	3,43,42,000

Two features presented by these figures are likely to attract attention. In the first place, a very large growth of revenue is noticeable during the current year, in spite of the fact that the districts of Tippera and Bankura suffered from famine, and that a part of East Bengal was swept by a severe cyclone. The causes which have helped to swell the receipts are examined below.

In the second place it will be observed that at the end of the year 1918-19 the closing balance amounted to Rs. 3,72,00,000. In spite of the fact that the provincial expenditure has increased during the current year by Rs. 19,06,000 over the budget estimate of the year, the closing balance is expected to reach the high figure of Rs. 4,07,07,000. Under the orders of the Government of India, Local Governments have hitherto been precluded from budgetting for expenditure within the year in excess of the revenues of that year; and even when an overdrawal was allowed, all new expenditure proposals were very carefully scrutinized, and only urgent and unavoidable expenditure permitted, on account of the enforced economy caused by the war. This policy has resulted in a large increase in the balance. In view of the cessation of hostilities, however, this Government applied to the Government of India to permit a heavy draft on balances in the ensuing year, and it will be seen that, according to the estimates which are now presented to the Council, an expenditure of no less than Rs. 63,65,000 is proposed in the year 1920-21 in excess of the receipts of that year. The balance at credit of the Presidency will thereby be reduced from Rs. 4,07,07,000 to Rs. 3,43,42,000. The manner in which this extra expenditure is going to be employed is explained later.

The current year's budget provided for an opening balance of Rs. 3,70,52,000, a revenue of Rs. 6,98,24,000, and a net transfer from Imperial to Provincial revenues of Rs. 31,59,000, giving a total of Rs. 11,00,35,000. Of this sum it was proposed to spend Rs. 7,77,12,000, leaving a closing balance of Rs. 3,23,23,000. The revised estimates show how far these anticipations are likely to be realised in actual working. They are an attempt to forecast the probable receipts and expenditure of the year by adding to the actuals of the first ten months an estimate of the transactions of the remaining period. As the actuals of each successive month become available, the estimates are further revised, and the figures, therefore, are liable to modification up to the time the budget is finally passed. So far as can be seen at present, receipts this year will be Rs. 1;01,42,000 better than

the budget figure. The table below compares the budget and revised estimates for the current year under the chief major heads:—

Heads of Revenue	Actuals, 1918-19	Budget estimate, 1919-20	Revised estimate, 1919-20	Variations between budget and revised (column 4—column 3).
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
I—Land Revenue ...	1,67,97,277	1,66,21,000	1,66,80,000	+ 59,000
IV—Stamps	1,24,82,625	1,27,50,000	1,50,00,000	+ 22,50,000
V—Excise	1,76,63,711	1,87,00,000	1,81,00,000	- 6,00,000
VIII—Income-tax	1,12,01,323	88,75,000	1,55,00,000	+ 66,25,000
IX—Forests	19,44,104	16,30,000	19,00,000	+ 2,70,000
X—Registration	19,17,737	19,00,000	27,00,000	+ 8,00,000
XVIA—Law and Justice—Courts of Law.	11,24,384	11,88,000	13,30,000	+ 1,42,000
XVIB—Jails	14,76,874	10,01,000	17,32,000	+ 7,31,000
XVIII—Ports and Pilotage ...	12,36,652	12,64,000	13,00,000	+ 36,000
XIX—Education	9,83,109	10,29,000	10,40,000	+ 11,000
XXIB—Scientific and Miscellaneous Departments.	13,64,122	10,82,000	18,00,000	+ 7,18,000
XXV—Miscellaneous ...	6,07,227	6,99,000	6,50,000	- 49,000
XXX—Minor Works and Navigation—Public Works Department.	4,73,988	5,00,000	4,25,000	- 75,000
XXXI—Civil Works—Public Works Department.	8,39,669	5,55,000	6,00,000	+ 45,000
Other heads	20,71,088	20,30,000	23,38,000	+ 3,08,000
Transfers between Imperial and Provincial Revenues.	+ 17,16,730	+ 31,59,000	+ 20,30,000	- 11,29,000
Total ...	7,39,00,920	7,29,83,000	8,31,25,000	+ 1,01,42,000

From the above figures it will be noticed that large increases are anticipated under Stamps, Income-tax, Registration, Jails, Scientific and Miscellaneous Departments, Forests and Law and Justice- Courts of Law, a decrease in transfers between Imperial and Provincial, and a set-back in Excise, Miscellaneous and Minor Works and Navigation. The largest increase occurs under Income-tax. The framing of estimates under this head under present conditions is a matter of the greatest difficulty, not only because of the introduction of different rates of taxation, but also in consequence of the varied effects on profits of the revival of trade and industry generally since the cessation of hostilities. Last year the profits of the jute industry were satisfactory, while there was increased prosperity in certain mercantile trades. On the other hand the cotton piece-goods trade suffered, while the loss of revenue on account of the exemption from assessment of all incomes below Rs. 2,000 per annum, and the rebate of income-tax payable in respect of the amount paid as excess profits duty, had to be allowed for. In view of these facts a decrease of Rs. 21¼ lakhs from the revised estimate for 1918-19 was anticipated, and the budget estimate for the current year was fixed at Rs. 88,75,000. The first nine months' actuals, however, indicate that this forecast was an under-estimate, and that the trade prosperity and industrial development in Calcutta was much above expectation. The revised estimate for the current year has, therefore, been fixed at Rs. 1,55,00,000. This also takes into account the large arrear collections this year on account of assessments for 1918-19.

The high prices of food-stuffs which have led to increased litigation, continued industrial and trade prosperity in Calcutta, and activity in the piece-goods market and, in fact, in business generally, have contributed to the very large increase under the head Stamps.

The considerable rise under Registration is mainly due to the abnormal increase in the value of house property in Calcutta and also to the high price of foodstuffs, which leads to more borrowing. The cyclone in East Bengal is another factor which has caused an increase under this head.

The work of the office of the Administrator General and Official Trustee has increased more rapidly than was expected; the result has been an increase in fees and commissions, which are credited under the head Law and Justice—Courts of Law. The Forest Department has undertaken departmental operations on a more extensive scale than was contemplated when the budget was framed. This accounts for the increase under the head Forests, which is, however, counterbalanced to a certain extent by an increase of over Rs. 1½ lakhs on the expenditure side. The high prices obtaining for articles of jail manufacture and a large demand for quinine have contributed most to the increase in revenue under Jails. On the other hand, there has been a still larger increase, from Rs. 30,04,000 to Rs. 41,00,000, on the expenditure side under Jails. The sale proceeds of quinine are shared equally between the Jails and Scientific and Miscellaneous Departments, under which head there is a corresponding increase. This unexpected demand for quinine was mainly from the Military authorities for the Frontier Campaign. The original estimate provided for an assignment of Rs. 19,75,000, payable by the Government of India as compensation to this Government on account of the loss of income-tax, at the rate of 6 pies for the rupee, on the sum of Rs. 6,25,00,000 estimated as the excess profits tax this year. As this Government, however, is entitled to compensation at the rate of only 2½ pies for the rupee on Rs. 6,25,00,000, the assignment has been reduced to Rs. 8,13,000 in the revised estimate. The reduction in the revised estimate under transfers between Imperial and Provincial revenues, is partly due to the abovementioned cause, and partly to a provision of Rs. 1,22,000 as the share, payable by this Government to the Government of Bihar and Orissa, of the cost of the maintenance of the European lunatics sent from this Presidency to the Ranchi Lunatic Asylum. The fall would have been larger but for some additional grants given by the Government of India, of which the following are the most important:—

	Rs.
For the payment of a grant to the Port Commissioners, Chittagong, for the purchase of a dredger	8,00,000
Grant to Sir J. C. Bose for scientific research ...	1,00,000
Grant for agricultural education ...	75,000
Grant for anti-malarial schemes ...	97,000

The fall in revenue under Excise is mainly due to the measures adopted by Government to check consumption and to a fall in revenue under the head "Liquors and spirits made in India after European methods," owing to larger imports of foreign liquor. Owing to a decrease in the tonnage of goods transported through the Madaripur Bil Canal and the Calcutta and Eastern Canals, there has been a decrease of revenue under Minor Works and Navigation, and the revenue under the head Unclaimed Deposits, which is of a very fluctuating nature, having been below expectation, there has been a fall under the head Miscellaneous.

On the expenditure side, against the budget estimate of Rs. 7,77,12,000, the revised estimate stands at Rs. 7,96,18,000, showing a net anticipated excess of Rs. 19,06,000. Since the budget estimate for the current year was passed, the Government of India have sanctioned the following additional grants which are available for expenditure:—

	Rs.
Grant for the purchase of a dredger by the Port Commissioners of Chittagong ...	8,00,000
For payment of a grant to Sir J. C. Bose for his Research Institute ...	1,00,000
For agricultural education ...	75,000
For development of evening classes in mining centres	10,000
Drawal from balance to meet the cost of land acquisition for a medical students' hostel in Calcutta	4,30,000

This partly accounts for the excess enumerated above, while other contributory causes are detailed below. The statement below gives particulars of the more important heads:—

Heads of Expenditure	Actuals, 1918-19	Budget estimate, 1919-20	Revised estimate, 1919-20	Variations between budget and revised (column 4 – column 3).
1	2	3	4	5
	Rs.	Rs.	Rs	Rs.
3. Land Revenue ...	38,21,266	38,14,000	38,50,000	+ 36,000
7. Excise	10,57,500	11,37,000	11,69,000	+ 32,000
11. Forests	8,25,835	7,66,000	9,30,000	+ 1,64,000
12. Registration	11,33,912	12,21,000	13,00,000	+ 79,000
18. General Administration ...	25,93,267	26,38,000	27,17,000	+ 79,000
19A. Law and Justice—Courts of Law	1,04,01,062	1,01,35,000	1,06,33,000	+ 1,98,000
19B. Law and Justice—Jails ...	37,82,306	30,04,000	41,00,000	+ 10,96,000
20. Police	1,32,25,406	1,36,21,000	1,43,00,000	+ 6,79,000
21. Ports and Pilotage ...	12,85,749	13,31,000	25,34,000	+ 12,03,000
22. Education	86,12,234	97,86,000	95,08,000	– 2,78,000
24A. Medical	29,01,028	27,69,000	31,00,000	+ 3,31,000
24B. Sanitation	7,71,020	18,66,000	15,00,000	– 3,66,000
26A. Agriculture	14,26,032	17,48,000	17,25,000	– 23,000
26F. Scientific and Miscellaneous Departments ...	25,47,719	10,68,000	9,15,000	– 1,53,000
29. Superannuation allowances, etc.	34,96,064	35,47,000	37,77,000	+ 2,30,000
30. Stationery and Printing ...	13,73,668	14,93,000	16,30,000	+ 1,37,000
32. Miscellaneous	6,91,265	9,34,000	5,88,000	– 3,46,000
43. Irrigation—Minor Works and Navigation, Public Works Department ...	12,95,089	17,53,000	15,25,000	– 2,28,000
45. Civil Works—Civil ...	11,42,123	15,64,000	11,69,000	– 3,95,000
45. Civil Works—Public Works Department	92,34,411	1,13,00,000	1,05,00,000	– 8,00,000
Other heads	18,45,092	19,17,000	21,48,000	+ 2,31,000
Total ...	7,34,65,048	7,77,12,000	7,96,18,000	+ 19,06,000

Under the head 21—Ports and Pilotage, it will be observed that an excess expenditure of Rs. 12,03,000 is expected during the current year. The main reasons for this increased expenditure are the grant of Rs. 8 lakhs by the Government of India to the Port Commissioners of Chittagong for the purchase of a dredger this year, and the transfer to this head of the addition of Rs. 3,25,000 made by the Government of India to the head "45—Civil Works, Civil," as an Imperial grant for the improvement of the port of Chittagong. This transfer accounts mainly for the saving under the head "45—Civil Works, Civil."

Dietary charges in particular and charges for the maintenance, clothing, bedding and medical treatment of prisoners have risen considerably since last year, and this fact accounts mainly for the increase under Jails. Owing to the large demand for jail manufactured articles there has also been increased expenditure in the purchase of raw materials. The large increase noticeable under Police is partly due to an unforseen expenditure of

over a lakh in the repairs of buildings damaged by the cyclone of September last and to the abnormal rise in the prices of cloth and food-stuffs, which have caused a very great increase in expenditure in the supply of uniform and rations to the force. Owing to an abnormal rise in the prices of food-stuffs, medical stores and medical requisites, and to an increase in the number of patients, the sanctioned estimate of the Medical Department is also likely to be exceeded by about Rs. 3,31,000 this year. The increased expenditure under Law and Justice—Courts of Law, is mainly due to the opening of additional courts in several districts and the consequent appointment of additional District and Subordinate Judges and Munsifs to cope with the increase of work, which has also necessitated the appointment of additional establishment and increased contingent expenditure. The excess expenditure under Superannuation Allowances, etc., is due to an increase in pensionary charges. Departmental operations on a larger scale than was contemplated when the budget was framed have also been undertaken by the Forest Department, which accounts for the increase in Forests. As has already been explained, this outlay will be productive of revenue. The great increase in the work of the Registration Department has necessitated the employment of larger temporary establishment and increased expenditure under contingencies. The smaller excesses under Land Revenue, Excise, General Administration and Stationery and Printing, are generally due to the rise in prices of all articles of stationery, rise in the rates of postal and telegram charges and to the general increase in the volume of work. Against these excesses, however, savings occur under Education, Sanitation, Miscellaneous, Minor Works and Navigation, and Civil Works—Public Works Department.

The savings under Education are mainly due to the non-utilization of the provisions for the Dacca University scheme and for the scheme for the training of *gurus*, the sanction of the Government of India not having been received in time to admit of full expenditure being incurred. Those under 45—Civil Works—Public Works Department are due to the inability of the Department to spend the budget grant in full. Owing to some of the schemes of the Department of Industries not having matured in time, savings are expected under the head Scientific and Miscellaneous Departments. The savings noticeable under Sanitation and Miscellaneous are more apparent than real. The savings under the former head are chiefly due to the transfer of provision to Irrigation for anti-malarial works, and also to a certain extent to the non-utilization in full of the lump provision for Sanitation. It has been the practice to include under the head Miscellaneous, a reserve of Rs. 2 lakhs to meet expenditure under any head of account for which money may be immediately necessary. As the local Government is precluded from drawing on its balances without sanction, it is essential that there should be some money in reserve, for though lapses do generally occur under many heads of expenditure, these savings seldom become available until late in the year, and in the meantime some provision must be at hand to meet urgent and unforeseen demands. All appropriation out of this reserve, as well as all sanctions accorded by His Excellency the Governor from the petty grants allotment and the adjustments of expenditure on grain compensation allowance, appear under the appropriate major heads; this accounts mainly for the savings under the head Miscellaneous. Owing to the paucity of superior officers, works in connection with the improvement of waterways and drainage projects, for which provision was made in the current year's budget, are not likely to be undertaken, which accounts mainly for the large savings under Minor Works and Navigation.

4. In consequence of these changes in the figures of receipts and expenditure, the estimated closing balance of the year, which is the starting point of the budget for 1920-21 has been taken at Rs. 4,07,07,000, or Rs. 83,84,000 better than the budget. Of the closing balance Rs. 20 lakhs represents the prescribed minimum closing balance of the province, which must be kept intact, while Rs. 2,03,51,000 represents the unspent balances of Imperial recurring grants, or grants which are earmarked for specific purposes, as

detailed below. The free provincial balance, therefore, amounts to Rs. 1,83,56,000:—

	Rs.
Balance of Imperial grants for Education ...	1,22,23,000
Balance of Imperial grants for Agricultural Education	97,000
Balance of Imperial grants for Sanitation ...	62,94,000
Ranchi Lunatic Asylum	17,37,000
Total ...	2,03,51,000
Minimum closing balance	20,00,000
Total ...	2,23,51,000
Available free balance	1,83,56,000
Total ...	4,07,07,000

5. Turning to the budget estimate for 1920-21, the following table summarises the receipts under the chief heads of revenue:—

Heads of Revenue	Budget estimate, 1919-20	Revised estimate 1919-20	Budget estimate, 1920-21	Difference between the revised estimate, 1919-20 and budget estimate 1920-21
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
I—Land Revenue ...	1,66,21,000	1,66,80,000	1,66,69,000	11,000
IV—Stamps	1,27,50,000	1,50,00,000	1,55,00,000	+ 5,00,000
V—Excise	1,87,00,000	1,81,00,000	1,87,00,000	+ 6,00,000
VIII—Income-tax	88,75,000	1,55,00,000	2,00,00,000	+ 45,00,000
IX—Forests	16,30,000	19,00,000	20,00,000	+ 1,00,000
X—Registration ...	19,00,000	27,00,000	27,00,000	.....
XVIA—Law and Justice—Courts of Law.	11,88,000	13,30,000	13,50,000	+ 20,000
XVIB—Law and Justice—Jails	10,01,000	17,32,000	16,02,000	1,30,000
XVIII—Ports and Pilotage ...	12,64,000	13,00,000	15,50,000	+ 2,50,000
XIX—Education	10,29,000	10,40,000	11,00,000	+ 60,000
XXIB—Scientific and Miscellaneous Departments.	10,82,000	18,00,000	12,60,000	5,40,000
XXV—Miscellaneous ...	6,99,000	6,50,000	6,70,000	+ 20,000
XXX—Irrigation—Minor Works and Navigation—Public Works Department.	5,00,000	4,25,000	4,50,000	+ 25,000
XXXI—Civil Works—Public Works Department.	5,55,000	6,00,000	5,00,000	- 1,00,000
Transfers between Imperial and Provincial Revenues.	+ 31,59,000	+ 20,30,000	- 28,02,000	48,32,000
Other heads	20,30,000	23,38,000	27,25,000	+ 3,87,000
Total ...	7,29,83,000	8,31,25,000	8,39,74,000	+ 8,49,000

Beyond the explanations given in Part II of this memorandum, few of these figures call for explanation.

The income for the year 1920-21 is estimated to amount to Rs. 8,39,74,000, which is only Rs. 8,49,000 better than the revised estimate for the current year. Conditions are still unsettled and the immediate future

rather uncertain. Difficulty is, therefore, still being experienced in adjusting the revenues with reference to past years or to pre-war times. It is anticipated, however, that the improvement in the revenue under Stamps, Forests, and Ports and Pilotage will be maintained, while a large increase is expected under Income-tax. During the war there were considerable fluctuations of revenue under Excise, but on the figures from 1912-13 to 1918-19 there has been an average growth of about Rs. 6½ lakhs a year. On the assumption that 1920-21 will be a prosperous year, an additional revenue of Rs. 6 lakhs over the revised estimate for the current year is anticipated.

As an offset against this, a fall of receipts under Scientific and Miscellaneous Departments is probable on account of a smaller demand for quinine. The receipts from Jail Manufactures will also be affected by this and by the likely decrease in the demand next year for articles manufactured in the jails. The revenue under Registration this year has been high, owing to the prices of foodstuffs, the scarcity in some parts of the Presidency and the distress caused by the cyclone in Eastern Bengal. The two latter conditions, at least, are not expected to recur next year, and the revised estimate has been repeated in the expectation of only the normal increase. A very large decrease is shown under the head Transfers between Imperial and Provincial Revenues. This is due to the fact that it is not expected that the special grants will be repeated next year, and also to the necessity of paying a much larger sum to the Government of India as their share of Income-tax receipts.

For the next year a total expenditure of Rs. 9,03,39,000 has been provided, which is higher by Rs. 1,26,27,000 and Rs. 1,07,21,000 than the current year's budget and revised estimates respectively. Details by chief major heads are given in the following table:—

	Heads of Expenditure.	Budget estimate, 1919-20	Revised estimate, 1919-20	Budget estimate 1920-21	Difference between revised estimate, 1919-20 and budget estimate, 1920-21
	1	2	3	4	5
		Rs.	Rs.	Rs.	Rs.
3.	Land Revenue	38,14,000	38,50,000	50,95,000	+ 12,45,000
7	Excise	11,37,000	11,69,000	11,85,000	+ 16,000
11	Forests	7,66,000	9,30,000	13,57,000	+ 4,27,000
12.	Registration	12,21,000	13,00,000	13,89,000	+ 89,000
18.	General Administration ...	26,38,000	27,17,000	27,92,000	+ 75,000
19A.	Law and Justice—Courts of law.	1,04,35,000	1,06,33,000	1,14,37,000	+ 8,04,000
19B.	Law and Justice—Jails ...	30,04,000	41,00,000	40,60,000	- 40,000
20.	Police	1,36,21,000	1,43,00,000	1,50,32,000	+ 7,32,000
21.	Ports and Pilotage ...	13,31,000	25,34,000	15,02,000	- 10,32,000
22.	Education	97,86,000	95,08,000	1,21,42,000	+ 26,34,000
24A.	Medical	27,69,000	31,00,000	37,10,000	+ 6,10,000
24B.	Sanitation	18,66,000	15,00,000	15,67,000	+ 67,000
26A.	Agriculture	17,48,000	17,25,000	21,15,000	+ 3,90,000
26B.	Scientific and Miscellaneous Departments.	10,68,000	9,15,000	10,79,000	+ 1,64,000
29	Superannuation and retired allowances.	35,47,000	37,77,000	40,22,000	+ 2,45,000
30.	Stationery and Printing ...	14,93,000	16,30,000	16,02,000	- 28,000
32	Miscellaneous	9,34,000	5,88,000	24,45,000	+ 18,57,000
43.	Irrigation—Minor Works and Navigation.	17,53,000	15,25,000	20,42,000	+ 5,17,000
45.	Civil Works—Civil ...	15,64,000	11,69,000	12,50,000	+ 81,000
45.	Civil Works—Public Works Department.	1,13,00,000	1,05,00,000	1,26,74,000	+ 21,74,000
	Other heads	19,17,000	21,48,000	18,42,000	- 3,06,000
	Total ...	7,77,12,000	7,96,18,000	9,03,39,000	+1,07,21,000

6. In framing the estimates of expenditure the Governor in Council has made provision for all the recommendations of the Public Services Commission in respect of the pay and prospects of the different services, orders on which are expected to be received in the course of the year. This accounts for the greater part of the increase under Land Revenue, under which head a provision of Rs. 2,50,000 has also been made for carrying on the scheme of Circle Officers appointed under the Village Self-Government Act, for which an initial provision of Rs. 1,25,000 was made in the current year's budget. A sum of Rs. 2,50,000 has been provided for the resumption of land in connection with the scheme for developing Kalimpong as a hill station. There is a considerable increase under Forests. During the war expenditure was rigorously cut down and the development of the forests was thus greatly retarded. To make up this lost ground, considerable expenditure is now necessary, much of which will repay itself. An increased provision of Rs. 65,000 has, therefore, been made for Communications and Buildings and of Rs. 1,18,000 for Improvement and Extensions A sum of Rs. 50,000 has also been provided for the reorganization of the Subordinate Forest Service, and Rs. 36,000 for the compilation of working plans for the forests in Chittagong and the Chittagong Hill Tracts. Under Registration, provision has been made to give effect to the reorganization of the Registration Department, and for the revision of the strength and pay of the ministerial staff. The local Government has been pressed to give effect to these necessary reforms, which have been delayed only on account of financial stringency. Under General Administration, to replace the present old and uncomfortable saloon, a provision of Rs. 61,767 has been made for the construction of a new metre gauge bogie saloon for the use of His Excellency, and a further provision of Rs. 23 288 has been added to improve the pay and prospects of the lower grade assistants of the Civil Secretariat and to reorganize the establishment of the Board of Revenue. The Secretary of State has sanctioned the retention of the additional Judge for the High Court till a vacancy occurs among non-Civilian judges. A provision of Rs 52,788 has been made on this account, and of Rs. 2,50,000 for revising the pay of Subordinate Judges and Munsifs in accordance with the proposals of the Public Services Commission

The budget provision under Jails follows the revised estimate, but a provision of Rs. 50,000 has been made for the revision of the pay of jailors. Under the head of Police provision has had to be made for the Public Vehicles Department, Calcutta, for extra establishment for the licensing of arms under the new Arms Act, for extra motor launches for river traffic, for a considerable additional cost in supplying first kit and for strengthening the cadre of sub-inspectors to replace probationers under practical training There has also been an increase under Salaries, due to the reversion of officers from military duty and to an increase of force through better recruitment. As the Calcutta Alms-house is being removed from its present site it has been decided to help the District Charitable Society financially in order to enable them to acquire a site in the suburbs of Calcutta and to construct a new alms-house there. A provision of Rs 5 lakhs has accordingly been made for this purpose. These items account for the Rs 14 lakhs by which the budget provision exceeds the figure in the current year's budget Under Ports and Pilotage provision has been made for the payment of a fee of Rs. 90,000 to Sir Bradford Leslie and Mr. Basil Mott in connection with the design of the new Howrah Bridge. A sum of Rs. 49,000 has also been provided for the payment of wages to lascars taken prisoner by the Germans from British ships, and Rs. 20,000 on account of the recommendations of the Public Services Commission. The large decrease, however, under this head, is mainly due to the omission of any provision for the Port of Chittagong, the control of which is being transferred to the Railway Board. The budget provision under Education shows an increase of about Rs 23½ lakhs over the current year's figure. It is expected that considerable progress will be made next year in connection with the scheme for a University at Dacca. A sum of Rs. 3,76,000 has been provided to give effect to the recommendations of the Public Services Commission. Of the other schemes which the Education Department proposes to undertake next year, the most important are Rs. 4,00,000 for primary education in and outside Calcutta, Rs. 6 lakhs for the

acquisition of a site for the establishment of a Technical Institute in Calcutta, Rs. 1,08,000 for the imparting of manual instruction in schools and for the opening of manual training classes, and Rs. 81,000 for the improvement of Muhammadan education in madrasahs. It may be mentioned that a sum of Rs. 2 lakhs also has been provided in the Public Works Department budget for the construction of buildings for the Technical Institute. The Governor in Council hopes to carry out several important Medical schemes in 1920-21. The Mitford Hospital in Dacca has been greatly improved and is now to be taken over by Government. A sum of Rs. 70,000 has been provided in the budget for this. The Belgachia Medical Institute in Calcutta has received temporary affiliation up to the M.B. standard from the University of Calcutta, which has intimated, however, that permanent affiliation would not be granted unless and until certain improvements are made. These improvements are estimated to cost Rs. 6,17,000. Of this sum the Governor in Council has agreed to contribute Rs. 4,00,000, provided the balance is raised privately. A provision has been made in the budget on this account. A sum of Rs. 1,33,000 has also been provided for the revision of pay in accordance with the proposals of the Public Services Commission, and Rs. 50,000 for the revision of pay of Sub-Assistant Surgeons.

Among Sanitation projects is a proposal to establish four laboratories in different parts of the Presidency for the analysis of water and food. Provision has been made in the budget for one such laboratory at Dacca. The opening of the Panama Canal and the outbreak of yellow fever in Africa has brought the danger of infection much nearer. To guard against this, anti-stegomiya measures are to be taken at the ports of Calcutta and Chittagong. A sum of Rs. 20,000 has been set aside for this, and Rs. 30,000 for child-welfare work. Besides provision for the above mentioned schemes, a sum of Rs. 18,75,000 has also been allotted for carrying out various schemes of Sanitary improvements the details of which are shown in Part II of this memorandum.

Agricultural development also has not been neglected. In continuance of the scheme for the distribution of improved paddy and jute seed it is proposed to establish four new district agricultural farms, at a cost of Rs. 1,10,000. A sum of Rs. 62,788 has also been provided for a sericultural nursery at Bholahat, in the district of Malda. The measures taken for improving the paddy and jute crops in Eastern Bengal having met with remarkable success, an Economic Botanist is now wanted to take up the same work in Western Bengal. Provision for this officer has been made in the budget. The increase in the number of co-operative societies naturally necessitates an increase in the supervising staff. Provision has, therefore, been made for a Deputy Registrar and additional auditors and inspectors for whom a sum has been provided. The full programme of the new Department of Industries will entail an expenditure of Rs. 16 lakhs. Only part of this programme is expected to be carried out in 1920-21, however, and Rs. 4 lakhs have been provided for this purpose under Scientific and Miscellaneous Departments. Under the same head a sum of Rs. 40,000 has been entered as a contribution towards the construction of a floating emigration hospital at Goalundo, and Rs. 20,000 to give effect to the recommendations of the Public Services Commission. The number of factories is increasing so rapidly, especially in the neighbourhood of Calcutta, that it has been found necessary to provide for the appointment of two additional inspectors of factories.

The provision under head 32—Miscellaneous shows an increase of over Rs. 18½ lakhs above the figure in the current year's revised estimate. This is accounted for by a provision of Rs. 10 lakhs for increasing the pay of menials, Rs. 1 lakh for War Allowance, Rs. 2 lakhs for revising the contract contingent grant, Rs. 25,000 for the maintenance of *détenus*, provision for which formerly was made under 25—Political, and Rs. 1,50,000 to meet the initial expenditure that may be involved in the introduction of the Reforms Scheme. In pursuance of the policy already initiated, provision has been made for drainage schemes in connection with the malaria problem, such as

the Amirabad, Pichaboni and Bulee Bil drainage projects, for mitigating the effects of floods, and for the reconstruction of the Kidderpore Bridge. A sum of Rs. 7,00,000 has also been provided for the widening of the Madaripur Bil route, Rs. 2,00,000 for replacing two bridges over the Circular Canal, and Rs. 85,000 for the construction of buildings for the establishment of a new waterways divisions at Khulna. In the Civil Works budget, there is provision to the extent of Rs. 35,17,000 for new works, including Minor Works, details of which are given in Part II of the memorandum, while the usual necessary allotment has been made for works in progress, repairs and establishment. Owing to a large number of new works having been undertaken lately, the allotment for works in progress is considerably higher than in previous years and includes provision for the works in connection with the partition of the districts of Midnapore and Mymensingh. For the supervision of the very large outlay on buildings and communications, the strengthening of the superior staff is absolutely necessary, and as the Government of India is being moved in the matter, increased provision has been made under Establishment.

The closing balance has been placed at Rs. 3,43,42,000. Of this Rs. 20 lakhs represents the prescribed minimum closing balance of the province, which must be kept intact, while Rs 1,69,32,000 represents the unspent balances of Imperial recurring and non-recurring grants or sums which are earmarked for specific purposes, as detailed below The free provincial balance, therefore, amounts to Rs. 1,54,10,000:—

	Rs
Balance of Imperial grants for Education	98,33,000
Balance of Imperial grants for Agricultural Education	69,000
Balance of Imperial grants for Sanitation	60,51,000
Ranchi Lunatic Asylum	9,79,000
Total .	1,69,32,000
Minimum closing balance .	20,00,000
Total .	1,89,32,000
Available free balance	1,54,10,000
Total	3,43,42,000

H. WHEELER

The 27th March 1920.

PART II.

[The references in the margin are to the pages of the Civil Budget Estimate.]

I and 3—Land Revenue.

Revenue.

	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
SHARED.	Rs	Rs.	Rs	Rs.	Rs.	Rs
Ordinary revenue-fixed collections ...	2,24,85,688	2,24,42,108	2,27,65,934	2,25,00,000	2,26,50,000	2,26,00,000
Sale of Government estates	1,475	53,400	145	5,000	1,000	5,000
Sale-proceeds of waste lands, etc. ...	83,815	51,731	53,948	50,000	43,000	50,000
Assessment of alienated lands—fees less quit-rents	68,618	67,427	67,473	68,000	68,000	68,000
Recoveries on account of survey and settlement charges	10,603	7,050	5,066	10,000	19,000	10,000
Rents, etc., of fisheries ...	2,019	4,773	3,692	7,000	3,000	4,000
Miscellaneous ...	1,97,300	1,64,602	2,50,051	2,00,000	1,85,000	1,89,000
Total shared ...	2,28,49,518	2,27,91,091	2,31,46,309	2,28,40,000	2,29,60,000	2,29,26,000
Provincial share (one-half)	1,14,24,759	1,13,95,545	1,15,73,155	1,14,20,000	1,14,80,000	1,14,63,000
Ordinary revenue collections from Government estates	50,76,709	47,04,247	52,03,278	52,00,000	52,00,000	52,00,000
Recovery of cost of maintenance of boundary pillars	992	20,088	20,844	1,000	...	6,000
Total ...	1,65,02,460	1,61,19,880	1,67,97,277	1,66,21,000	1,66,80,000	1,66,69,000

REVENUE.

The Provincial share of this head of revenue is one-half, except for receipts from Government estates and from the recovery of the cost of maintenance of boundary pillars, which are wholly Provincial.

Following the revised estimate for 1918-19, the budget estimate for 1919-20 was fixed at Rs. 1,66,21,000. The collections in 1918-19, however, actually amounted to Rs. 1,67,97,277, and considering the first nine months actuals of the current year, the revised estimate for this year has been fixed at Rs. 1,66,80,000. The increase is mainly under the head, " Ordinary revenue—fixed collections " due to better collections.

On the assumption that agricultural conditions next year will be good, the estimate for the year 1920-21 has been fixed at Rs. 1,66,69,000.

Expenditure.

	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs
Survey and settlement ...	1,04,256	89,903	72,763	2,10,000	1,25,000	4,96,000
Charges of district administration ...	28,71,098	27,75,970	28,14,655	28,89,000	30,30,000	36,00,000
Management of Government estates ...	4,39,845	5,54,531	8,47,812	6,25,000	6,15,000	8,92,000
Charges on account of Land Revenue collections	14,881	9,400	23,166	14,000	17,000	17,000
Land records ...	62,401	64,222	62,870	76,000	63,000	90,000
Total ...	34,92,481	34,94,026	38,21,266	38,14,000	38,50,000	50,95,000

Expenditure.

The budget estimate for 1919-20 was fixed at Rs 38,14,000 against the actuals of Rs. 38,21,266 in 1918-19, but considering the actuals of the first nine months of the current year, the revised estimate for this year has been fixed at Rs. 38,50,000. There has been a large increase under the head "Charges of district administration." This is partly due to the payment of grain compensation allowance and war allowance to menials, for which no allowance was made in the original estimate under this head, and partly to an increase in expenditure under travelling allowance and contingencies. The increase would have been larger but for the savings under the head "Survey and settlement," consequent on the non-utilization in full of the provision for the purpose.

The budget estimate for the coming year is higher by Rs 12,45,000 than the revised estimate for the current year The increase is shared by all the minor heads, except the head "Charges of land revenue collections."

Survey and settlement.—The budget estimate for the ensuing year includes a provision of Rs. 2,96,046 for payment to the Government of India in final adjustment of the accounts of the Bakarganj settlement. The cost of district survey and settlement operations is advanced from Imperial revenues, and three-fourths of the cost are recovered from the landlords and tenants. In areas, however, in which there has been a settlement of the land revenue, the local Government has to pay to the Government of India the three-fourths share of the cost, as in such areas the cost cannot be recovered from the landlords and tenants. The provision made is in final adjustment of the cost on this account in Bakarganj The budget estimate also includes Rs. 68,000 for the land revenue settlements of estates in the Darjeeling district and Rs. 42,000 for 36 estates in Bakarganj and 65 estates in Faridpur, most of which could not be taken up earlier owing to the war.

Charges of district administration.—A provision of Rs. 1,25,000 was made in the current year's estimate as a first instalment of the expenditure to be incurred on circle officers appointed in anticipation of the hoped for development of village self-government. In furtherance of the same policy a sum of Rs. 2,50,000 has been provided in the coming year's estimate, which also includes a provision of Rs. 10,53,000, to give effect to the recommendations of the Public Services Commission for the improvement of the pay and prospects of the Indian Civil Service and Provincial Civil Service officers.

Management of Government estates.—Besides the usual provision of Rs. 50,000 for improvements, the next year's estimate includes a sum of Rs 1,07,000 for the colonization of the Sundarbans in pursuance of the scheme for the settlement of waste lands under the raiyatwari system, and Rs 2,50,000 for the completion of the resumption of lands in connection with the development of Kalimpong as a hill station.

Land Records.—In the districts where settlement operations have been completed, the land registration registers have to be rewritten on the basis of the records of rights. The increased provision in the estimate for 1920-21, as compared with the sanctioned estimate for the current year, is mainly for this work.

IV* and 6—Stamps.

Revenue.

—	Actuals 1916-17	1917-18.	1918-19.	Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs	Rs.	Rs	Rs.	Rs.
Sale of general stamps ...	70,89,758	63 78,549	69 31,651	81,00,000	1,05,00,000	1,07,00,000
Sale of court-fee stamps	1,63,53,246	1,61,90,369	1,73,71,112	1,67,00,000	1,87,00,000	1,95,00,000
Sale of plain paper to be used with court-fee stamps	3,53,696	3,46,214	3,55,470	3,60,000	3 85 000	4,00,000
Duty on impressing documents	2,53,262	2,59,598	2,76,209	2,85,000	3,10 000	3,20,000
Fines and penalties ...	38,239	36 195	29,778	40,000	35 000	40,000
Miscellaneous ...	63,769	905	1,030	15,000	70,000	40,000
Total ...	2,41,51,970	2,32,11,830	2,49,65,250	2,55,00,000	3,00,00,000	3,10,00,000
Provincial share (one-half)	1,20,75,985	1,16,05,915	1,24,82,625	1,27,50,000	1,50,00,000	1,55,00,000

This head is not open to discussion.

REVENUE.

The receipts represent the share, credited to this major head, of the sale-proceeds of the unified postal and revenue stamps, the sale-proceeds of bills of exchange and other general stamps, the duty on embossing receipt, cheque and other stamps, the duty levied under the Indian Stamp Act, 1899, on documents brought for adjudication and on documents unstamped or insufficiently stamped, and fines and penalties levied by Judicial and Revenue officers under the Stamp Act on insufficiently stamped instruments. The revenue from the unified postal and revenue stamps is credited to the Imperial head "Post Office." Out of this revenue, a sum of Rs. 4,99,000 is credited under the sub-head "Sales of general stamps," as the Civil Department share of the sale-proceeds of those stamps.

In view of the industrial development and revival of trade after the cessation of hostilities, an improvement in stamp revenue was expected when the budget was framed last year. The estimate for 1919-20, therefore, allowed for an improvement of Rs. 7 lakhs (Provincial share Rs. 3½ lakhs) over the revised estimate for 1918-19.

The progress of actuals so far, however, indicates that the current year's forecast was an underestimate and that the revenue under this head will much exceed anticipations. The revised estimate on the basis of recent actuals, has, therefore, been fixed at Rs. 3,00,00,000, half of which, Rs. 1,50,00,000, is Provincial. This great increase in revenue is attributable to the rapidly increasing commercial and industrial prosperity, especially in Calcutta, and to the high price of food-stuffs, which has led to increased litigation. Since 1912-13 the growth of revenue under this head has been at an average rate of a little over Rs. 7 lakhs a year, but in view of the very large increase in receipts anticipated this year, it will not be safe to count on a further rapid increase next year. Assuming, therefore, that trade prosperity and industrial development will continue, but allowing for an average crop next year, which, it is hoped, will bring down the prices of food-stuffs, the estimate for 1920-21 has been fixed at Rs. 3,10,00,000. This allows for a growth of revenue of Rs. 10 lakhs over that of the current year's revised estimate.

The Provincial share is one-half, and amounts to Rs. 1,55,00,000.

Expenditure.

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20	Budget estimate, 1920-21.
	Rs	Rs	Rs	Rs	Rs	Rs
Superintendence ...	30,061	26,773	25,897	31,000	27,000	29,000
Charges for the sale of general stamps ...	2,41,236	1,96,131	2,08,811	2,10,000	3,04,000	3,25,000
Charges on sale of court-fee stamps ...	1,25,970	1,27,198	1,28,884	1,35,000	1,35,000	1,43,000
Discount on plain paper	22,187	21,627	22,166	23,000	24,000	25,000
Stamp and plain paper supplied from Central Stores	2,06,917	2,58,468	2,86,772	2,84,000	3,00,000	3,15,000
Total ...	6,26,371	6,30,197	6,72,530	6,83,000	7,90,000	8,37,000
Provincial share (one-half)	3,13,186	3,15,099	3,36,265	3,42,000	3,95,000	4,19,000

Expenditure.

The estimate for 1919-20 was Rs. 6,83,000, but this has been raised to Rs. 7,90,000 in the revised estimate for the current year, and the estimate for 1920-21 allows for a further increase of Rs. 47,000 over the revised estimate The increase is mainly under the heads, "Charges for the sale of general stamps" and "Stamp and plain paper supplied from Central Stores." The charges for the sale of stamps and the cost of paper supplied, naturally vary with the receipts, and as an abnormal increase in revenue is expected, increased provision for expenditure has been allowed for

The charges of this department are divided equally between Imperial and Provincial, and the Provincial shares amount to Rs 3,95,000 in the revised estimate for 1919-20 and to Rs 4,19,000 in the budget estimate for 1920-21.

V and 7.—Excise.

Revenue.

—	Actuals 1916-17	1917-18.	1918-19.	Budget estimate 1919-20	Revised estimate 1919-20	Budget estimate, 1920-21.
	Rs	Rs.	Rs	Rs	Rs	Rs
License and distillery fees and duties for the sale of liquors and drugs ...	1,12,21,403	1,26,44,627	1,44,21,876	1,53,00,000	1,47,40,000	1,52,00,000
Gain on sale-proceeds of excise opium and other drugs	13,27,533	12,94,317	15,50,132	17,30,000	16,00,000	16,40,000
Duty on ganja ...	18,35,037	16,37,465	16,14,877	16,00,000	17,00,000	18,00,000
Fines, confiscations and miscellaneous ...	60,256	59,813	76,826	70,000	60,000	60,000
Total ...	1,44,44,229	1,56,36,222	1,76,63,711	1,87,00,000	1,81,00,000	1,87,00,000

Revenue.

In view of the actuals of the first nine months, against the sanctioned estimate of Rs. 1,60,00,000 for 1918-19, the revised estimate for that year was fixed at Rs. 1,78,000, and on the assumption that with the cessation of hostilities there would be a further increase in the consumption of excisable

articles, the estimate for 1919-20 was placed at Rs. 1,87,00,000. The actual collections in 1918-19, however, only amounted to Rs. 1,70,63, 711, while the progress of actuals so far this year shows that the original estimate for 1919-20 also is not likely to be realised; the revised estimate has, therefore, been fixed at Rs. 1,81,00,000. The fall in revenue is mainly under the head, " Liquors and spirits made in India after European methods," owing to imported foreign liquor being now increasingly available, and also under " Country spirit—Distillery license fees and *pachwai* revenue," due to a fall in consumption, as a result of the measures adopted by Government to check consumption. On the assumption that the commercial and industrial development of the province will cause an increase in the consumption of excisable articles, and that the extension to more districts next year of the restrictive measures of fixed prices and the monthly adjustment of license fees, will tend to increase the license fee and duty receipts, the budget estimate for the coming year has been fixed at Rs. 1,87,00,000.

Expenditure.

—	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs.	Rs	Rs.	Rs.	Rs.
Superintendence	1,28,854	1,48,966	1,53,546	1 65,000	1,70,000	1,61,000
Presidency establishment ...	1,93,575	1,82,828	2,07,210	1,99,000	2,57,000	2,08,000
District executive establishment	6,08,819	6,28,157	6,67,415	6,80,000	6,85 000	6,94,000
Distilleries	2,08,245	2,39,710	2,29,329	2,93,000	2,57,000	3,22,000
Deduct—Fixed share chargeable to "5—Salt"	2,00,000	2,00,000	2,00,000	2,00,000	2,00,000	2,00,000
Total ...	9,39,493	9,99,661	10,57,500	11,37,000	11,69,000	11,85,000

EXPENDITURE.

The total expenditure for 1919-20 was originally estimated at Rs. 11,37,000, but in view of the actuals of the first nine months, the revised estimate for the current year has been fixed at Rs. 11,69,000. The largest increase occurs under the minor head, " Presidency Establishment," and is mainly due to increase under " Salaries," owing to the present Collector being a first grade Magistrate, whereas the original estimate provided for a second grade officer, and under establishment, consequent on an increase in work. There has also been an increase in expenditure under the head " Supplies and services," due to larger payments of rewards. The estimate for the coming year has been put at Rs. 11,85,000. Besides allowing larger provisions for travelling allowance, rewards and clothing, based on recent actuals, the estimate includes Rs. 12,420 for the entertainment of additional establishment at Asansol to allow of the introduction of the fixed fee system of licensing *pachwai* shops, Rs. 5,676 for the entertainment of a special preventive staff to deal with smuggling by rail and river, Rs. 4,925 for the employment of an excise staff to supervise the salt factory at Contai, and Rs. 2,640 for an excise staff to supervise the wine manufactory at the Alliance distillery.

VI.—Provincial Rates.*

Revenue.

—	Actuals. 1916-17	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20	Budget estimate, 1920-21.
	Rs.	Rs	Rs	Rs	Rs	Rs
Public Works Cess	29 219	3,675	...	...	...	...
General rates for the management of private estates ...	1,05,622	1,35 416	1,12,434	1,24,000	1 10,000	1,10,000
Total ...	1,34,841	1,39,091	1,12,434	1,24,000	1,10,000	1,10,000

* This head is not open to discussion.

Revenue.

Since the surrender of the Public Works cess to District Boards this head of revenue is now practically confined to the general rates which are levied from Wards' estates to cover approximately the cost of management (including supervision charges and contributions for pension and leave allowances) of the staff employed. The variations in the receipts from year to year are due to old estates being released from management by the Court of Wards and new ones being taken up.

As some of the big estates, viz., the Nayabasan estate in Midnapore, the Churaman estate in Dinajpur, and the Gobardanga, Tagore and Janbazar No. 1 estates in the 24-Parganas are likely to pass out of the management of the Court of Wards, and as the rates in some cases have been reduced by ½ per cent., the estimate for 1920-21 has been fixed at Rs. 1,10,000

VIII and 10—Income-tax.

*Revenue.

—	Actuals 1916-17.	1917-18	1918-19	Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs	Rs	Rs.	Rs	Rs	Rs
Income-tax ...	1,68,55,428	2,07,92 470	2,24,02 646	1,77,50,000	3,10 00,000	4 00 00,000
Provincial share (one-half)	84,27,714	1,03,96,235	1,12,01,323	88,75,000	1,55,00,000	2,00,0 0,000

* This head is not open to discussion.

Revenue.

As income-tax is assessed on the income of the previous year, a favourable consideration was the large profits made in the jute industry and the increased prosperity in certain mercantile trades, last year; on the other side were the dull state of the cotton piece-goods trade in 1918-19, the exemption of all incomes below Rs. 2,000 per annum from assessment to income-tax with effect from the 1st April 1919, and the rebate for the purpose of the income-tax in respect of the amounts paid as excess profits duty; balancing these factors the budget estimate for 1919-20 was fixed at Rs. 88,75,000. The first nine months' actuals of the current year indicate that the estimate was an under-estimate, and therefore, on the basis of recent actuals, and taking into account the fact that a demand of Rs. 19,00,000 has issued only this year on account of 1918-19 assessments, which it is hoped to realise, the revised estimate has been placed at Rs. 1,55,00,000. Estimating Rs. 19,50,000 as the additional

amount which would be realised as income-tax, if the excess profits tax is abolished from next year, and allowing for a further growth of revenue over the revised estimate for the current year, on the assumption of the continuance of industrial and commercial prosperity, the budget estimate for the ensuing year has been fixed at Rs. 2,00,00,000.

With effect from the 1st of April 1916, the Government of India imposed additional taxation, and that part of the increase which depends on the increased rates is made over to the Government of India by means of an assignment under the transfer heads in accordance with their decision to appropriate the whole of the extra receipts from the new rates to the needs of the Imperial Exchequer. After this item is excluded, the revenue from income-tax is shared equally between Imperial and Provincial. No part of the super-tax on incomes imposed under Act VIII of 1917 or of the duty on excess profits is included under this divided head, as these are wholly Imperial.

Expenditure.

—	Actuals.			Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs.	Rs.	Rs	Rs.	Rs
Calcutta establishment ...	98,967	1 09,774	1 29,902	1,39,000	1,46,000	1,57 000
District ditto ...	63,787	64,398	66,1[illegible]6	73 000	72,000	70,000
Total ...	1,62,754	1,74,172	1,96,008	2,12 000	2,18,000	2,27,000
Provincial share (one-half) ...	81,377	87,080	98,004	1,06,0[illegible]0	1,09,000	1,14,000

EXPENDITURE.

48 The variations between the sanctioned and revised estimates for the current year are small and call for no remarks. Against the sanctioned estimate of Rs. 2,12,000 for the current year, the next year's estimate has been placed at Rs. 2,27,000. The increased provision is mainly under allowances based on recent actuals and under establishment to allow for the grant of increments of salaries. The budget estimate also includes Rs. 6,660 for additional establishment in the office of the Collector of Income-tax to cope with the increased work in connection with the new Income-Tax Act VII of 1918.

The Provincial share of expenditure is one-half, and amounts to Rs 1,09,000 and Rs. 1,14,000, respectively.

IX and 11—Forests.

Revenue.

—	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs	Rs.	Rs.	Rs.	Rs.
Timber and other produce removed from the forests by Government agency ...	15,557	22,280	3,78,314	60,000	3,86,000	4,50,000
Timber and other produce removed from the forests by consumers or purchasers ...	12,53,903	12,88,333	14,70,492	14,84,000	14,37,000	14,73,000
Confiscated drift and waif wood	10,906	9 649	10,675	11,000	11,000	11,000
Miscellaneous	58,413	56,708	84,623	75,000	66,000	66,000
Total ...	13,38,779	13,76,970	19,44,104	16,3[illegible],000	19,00,000	20,00 000

REVENUE.

On the assumption that, with the cessation of hostilities, the demand for timber and sleepers for military purpose would cease, but that there would be larger demands for all kinds of raw materials from consumers and purchasers, the estimate for this year was placed at Rs. 16,30,000. Recent actuals show, that the expectations under the head, "Timber and other produce removed from the forests by consumers or purchasers," will be almost realised. Since the budget was framed, however, the Forest Department have undertaken departmental operations, for which the corresponding expenditure head provides for a larger expenditure of Rs. 1,27,000. This outlay, it is expected, will yield this year an additional revenue of over three lakhs, which mainly accounts for the increase in the revised as compared with the sanctioned estimate for the current year. Page 1

As it is proposed to carry on departmental operations on a more extensive scale next year, and as it is hoped also that the demand for raw materials from consumers and purchasers will continue, the estimate for 1920-21 has been fixed at Rs. 20,00,000.

Expenditure.

Page 4

	Actuals 1916-17.	1917-18.	1918-19	Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs	Rs.	Rs.	Rs	Rs	Rs.
Conservancy and Works	2,49,992	3,58,840	4,50,815	3,73,000	5,00,000	7,67,000
Establishments	3,69,657	3,79,873	3,75,020	3,93,000	4,30,000	5,90,000
Total ...	6,19,649	7,38,713	8,25,835	7,66,000	9,30,000	13,57,000

EXPENDITURE.

The sanctioned budget for the current year is Rs 7,66 000 and the revised estimate has been taken at Rs. 9,30,000. The bulk of the increase in the revised estimate as compared with the sanctioned estimate for the current year, occurs under the head "Conservancy and works," and is due to the additional provisions sanctioned to enable the department to undertake direct operations, which, as already explained, it is expected, will yield an additional revenue of over three lakhs this year. The small increase under the head "Establishment," is chiefly due to the recent revision of the pay of officers of the Imperial Forest Service, and to larger expenditure under Travelling allowance and contingencies due to the more extensive undertakings of the department. Pages

Owing to the enforced economy during the period of the war, expenditure on communication and buildings and on the organisation improvement and extension of forests, on which increase of revenue depends, was kept at a minimum. To make up the leeway to some extent a provision of Rs. 3,67,000, against a budget provision of Rs 1,49,000 in the current year, has been made in the ensuing year's estimate Besides providing a sum of Rs. 30,600 for the revision of salaries of the Imperial Forest Service officers for the whole of the next year, the estimate for 1920-21 includes Rs. 50,000 for the reorganisation of the Subordinate Forest Service, Rs. 30,000 for the recruitment of five officers for temporary service in the Forest Department pending the recruitment of Imperial officers to fill the increased cadre of the department. Rs. 36,100 for the compilation of working plans for Chittagong and the Chittagong Hill Tracts, Rs. 18,000 for the splitting up of the Chittagong Forest Division into Chittagong and Cox's Bazar Divisions, Rs. 39,000 for the purchase of barbed-wire and sheep netting for the Kurseong, Jalpaiguri and Buxa Divisions, Rs. 10,000 for the construction of the attached Imperial officers quarters at Rajabhatkhawa, and Rs. 3,000 for the appointment of an extra Assistant Conservator of Forests.

X and 12—Registration.

Revenue.

	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Fees for registering documents	19,81,536	17,43,720	17,69,935	17,56,000	25,20,000	25,20,000
Fees for copies of registered documents.	77,763	73,605	65,051	64,000	80,000	80,000
Miscellaneous	89,628	86,702	82,751	80,000	1,00,000	1,00,000
Total ...	21,48,927	19,04,027	19,17,737	19,00,000	27,00,000	27,00,000

REVENUE.

Following the revised estimate for 1918-19, the estimate for 1919-20 was fixed at Rs. 19,00,000. Owing to the high prices of staple foods and, in fact, of all necessaries of life prevailing at present, to the scarcity in certain districts and to the devastation caused by the recent cyclone in Eastern Bengal, there has been a large increase in the registration of documents. In consideration, therefore, of the actuals of the first nine months the revised estimate for this year has been fixed at Rs. 27,00,000. The budget estimate for the ensuing year follows the revised estimate for the current year.

Expenditure.

	Actuals.			Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs	Rs.	Rs.	Rs.	Rs.
Superintendence	78,883	79,591	73,830	74,000	83,000	80,000
District charges	10,55,887	10,61,448	10,60,082	11,47,000	12,17,000	13,09,000
Total ...	11,34,770	11,41,039	11,33,912	12,21,000	13,00,000	13,89,000

EXPENDITURE.

The minor head "Superintendence" comprises charges on account of the Inspector-General of Registration, his office establishment and contingencies, while "District Charges" represent the salaries of District Registrars and Sub-Registrars and their establishment and contingent charges. The increase in the revised estimate as compared with the sanctioned estimate for the current year is mainly due to larger expenditure on temporary establishment to cope with the very large increase in the work of the department, and also to slightly increased expenditure under contingencies.

The budget estimate for the ensuing year is higher by Rs. 1,68,000 than the sanctioned estimate for the current year. The increase is chiefly due to a provision of Rs. 90,339 to give full effect to the scheme for the revision of the strength and pay of the ministerial establishment of the district headquarters and rural registration offices, which has been partially introduced this year, Rs. 42,300 for the revision of the cadre of the Sub-Registrars with a view to secure an even flow of promotion throughout the four grades into which the Sub-Registrars are distributed at present, Rs. 4,800 for the extension of the scheme for District Registrars on the lines of the Madras system to four more districts next year, Rs. 2,160 for raising the pay of probationers, and Rs. 2,400 for the appointment of a Special Inspector of Muhammadan

arriage Registration offices. The last named appointment is with a view investigate the cause of the small number of marriage registrations and e possibilities of increasing the number and, incidentally, checking malactices.

1.—Refunds and Drawbacks.*

Expenditure.

Page 22.

	Actuals 1916-17.	1917-18	1918-19.	Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs	Rs.	Rs.	Rs.	Rs.
d Revenue	30,444	15,319	20,103	20,000	18,000	18,000
mps	90,064	1,00,578	94,049	90,000	1,40,000	1,50,000
cise	97,713	75,696	41,034	75,000	28,000	26,000
come-tax	47,448	44,580	66,725	85,000	1,42,000	50,000
rest	280	2,750	1,983	1,000	2,000	2,000
ovincial rates	140	588	1,584	...	1,000	1,000
gistration	2,273	3,510	3,425	3,000	4,000	3,000
Total ...	2,68,362	2,43,021	2,28,903	2,74,000	3,35,000	2,50,000

* Drawbacks occur under Customs only and are wholly Imperial.

Expenditure.

The amounts shown above represent the debits to Provincial funds of e expenditure under refunds in proportion to the Provincial shares of the venues under the respective heads in connection with which refunds are made. he charges under the head are of a fluctuating character and are not subject any departmental control. As there has been an abnormal growth of venue under "Stamps," the expenditure under "Stamps refunds" has orrespondingly increased, which accounts for the large increase under this ead in the revised estimate for the current year as compared with the sanctionl estimate for 1919-20. The large increase in the revised estimate under ncome-tax is mainly due to refunds, by way of adjustment under section 19 the Income Tax Act. The budget estimate for 1920-21 generally follows e revised estimate for the current year, with the exception that it makes llowances for an increase in stamp refunds to correspond with a further rowth in stamp revenue, and does not provide for any large refunds under ncome-tax as it is proposed, for the sake of the convenience of the assessees, adjust from the next year, the amounts payable by way of refunds under ection 19, as a set-off against the amount due on assessment under section 18. Page 22

2.—Assignments and Compensations.*

Page 2

	Actuals 1916-17	1917-18.	1918-19.	Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs	Rs
and revenue compensation ...	19	...	5	6	...	...
ension in lieu of resumed lands	825	904	951	1,000	1,000	1,000
alikana	53,851	59,271	37,496	48,000	50,000	50,000
xcise	...	16,224	1,00,485	1,01,340	1,01,000	1,20,840
or rounding	...	...	...	−346	...	+160
Total ...	54,695	76,399	1,38,937	1,50,000	1,52,000	1,72,000

* This head is not open to discussion.

Expenditure.

The minor heads under this major head are treated as wholly Imperial, wholly Provincial, or divided between Imperial and Provincial, according o the classification of the corresponding heads of revenue; but purely mperial minor heads which are not under the financial control of the Government of Bengal are not shown in the above statement. The charges Page 2

consist chiefly of pensions paid to landholders as compensation for lands resumed by Government, *malikana* allowances and other special compensations. Excise compensations represent mainly the compensation paid by Government in lieu of *abkari* rights which have been resumed in Native States The main items under this head are annual payments to the Bhutan Darbar of Rs. 97,000 as compensation for the removal of liquor shops from the borders of the State, of Rs. 4,000 to the Cooch Behar State for the transfer to Government of the excise administration of certain isolated areas belonging to the State, and of Rs. 11,000 proposed to be paid from next year to the French Government for closing liquor shops at Kalabagan in Chandernagore.

XII and 13.—Interest.

Revenue.

	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
	Rs	Rs.	Rs.	Rs.	Rs.	Rs.
Interest on provincial loans and advances.	6,23,113	6,69,685	5,43,633	5,13,200	5,88,500	6,02,000
Interest on Government securities	12,281	12,281	12 280	12,300	12,000	12,000
Miscellaneous	13,648	7 825	6,342	7,300	6,500	7,000
For rounding	...	...	...	+200	...	...
Total ...	6,49,042	6,89,791	5,62,255	5,33,000	6,07,000	6,21,000

REVENUE.

The revenue under this major head represents mainly the interest received by the local Government on advances and loans made from the Provincial advance and loan account. This account, the capital transactions of which are outside the budget figures, provides for the grant of loans to agriculturists, local bodies, etc. The monies required for the loans are furnished by the Government of India. The local Government pay interest thereon and bear losses due to bad debts. In order to cover risks and cost of management, the local Government charge a higher rate of interest than that which they have to pay to the Imperial Government. The revenue under this head also includes interest on Government securities belonging to institutions taken over by Government along with the endowments for the upkeep of such institutions, and also interest on advances to ex-students of weaving institutions. In spite of the enhancements, which are noticed below, of the rates of interest charged by the Government of India to this Government, no change has at present been made in the rate charged by this Government for loans to agriculturists. The rate of interest charged on loans to local bodies made after the enhanced rates came into force has, however, been raised to 6 per cent.

The estimate of loans, as submitted to the Government of India, provides for a return in the way of interest during 1920-21 of Rs. 6,21,000, against Rs. 6,07,000, the revised estimate for this year, as shown below:—

	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.
Interest on advances to cultivators	1,48,000	1,57,000
Interest on advances to co-operative societies	1,400	1,300
Interest on drainage and embankment advances ...	18,000	16,700
Interest on loans to land holders	1,52,000	1,44,000
Interest on loans to municipalities and District Boards ...	2,63,000	2,77,000
Interest on advances to ex-students of the Weaving Institute and Messrs. Carew & Co.	6,100	6,000
Interest on Government securities	12,000	12,000
Miscellaneous	6,500	7,000
Total ...	6,07,000	6,21,000

The increase in the revised estimate as compared with the sanctioned estimate for the current year, is mainly due to the large advances made to agriculturists in the Tippera and Bankura districts and in the Eastern Bengal districts which were swept by the cyclone. The variations between the revised estimate for 1919-20 and the budget estimate for the ensuing year are small and call for no remarks.

Expenditure.* Page 5

—	Actuals. 1916-17	1917-18.	1918-19.	Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21
	Rs	Rs.	Rs.	Rs	Rs.	Rs
Interest on provincial advance and loan accounts ...	5,01,745	4,72,123	4,56,074	4,47,000	5,10,000	5,27,000

* This head is not open to discussion

Expenditure.

The interest which is paid to the Government of India by the local Government, on sums placed at the disposal of the latter for advances and loans to cultivators, co-operative societies, notabilities municipalities (excluding Presidency Corporations), District Boards and ex-students of the Weaving Institute and for advances on drainage and embankment schemes, is shown as expenditure under this head, the interest being calculated on the mean between the outstanding balance of the Provincial advance and loan accounts, at the beginning and at the end of each year. The rate of interest charged to the local Government by the Government of India, was until recently $3\frac{1}{2}$ per cent. per annum, but with effect from the 1st October 1916 this rate was raised to $4\frac{1}{2}$ per cent in respect of loans sanctioned on or after that date and again to $5\frac{1}{2}$ per cent in respect of loans sanctioned on or after the 1st April 1917, while loans sanctioned prior to those dates are charged at the old rate of $3\frac{1}{2}$ per cent Page 5

18.—General Administration.

Expenditure. Page 5

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21
	Rs.	Rs	Rs.	Rs	Rs.	Rs.
Salary of the Governor ...	1,28,387	1,11,613	1,20,000	1,20,000	1,20,000	1,20,000
Sumptuary allowance of the Governor	32,097	27,903	30,000	30,000	30,000	30,000
Expenditure from contract allowance	78,639	72,826	77,353	73,000	1,00,000	1,00,000
Staff and household of the Governor	2,94,880	3,07,702	3,03,179	3,22,000	3,05,000	3,59,000
Tour expenses	62,874	68,003	68,084	1,10,000	85,000	1,42,000
Executive Council	2,24,233	2,38,275	1,99,902	2,27,000	2,30,000	2,27,000
Legislative Council ...	1,13,749	1,30,302	1,29,461	1,41,000	1,21,000	1,51,000
Civil Secretariat	9,11,024	9,59,096	9,95,883	9,49,000	9,85,000	9,52,000
Board of Revenue	1,12,662	1,23,[illegible]34	1,18,679	1,26,000	1,53,000	1,39,000
Commissioners	4,07,939	4,13,110	4,14,460	3,93,000	4,37,000	4,18,000
Civil offices of Account and Audit	1,15,705	1,31,980	1,35,978	1,47,000	1,51,000	1,54,000
Total ...	24,82,180	25,83,941	25,93,267	26,38,000	27,17,000	27,92,000

Expenditure.

In view of the actuals of the first nine months of the current year, the revised estimate for 1919-20 has been fixed at Rs. 27,17,000 against the sanctioned estimate of Rs. 26,38,000. The increase of Rs. 79,000 in the revised Pages

estimate is the result of several variations under the minor heads, but the chief excesses occur under the heads "Civil Secretariat," "Board of Revenue" and "Commissioners." The increase is partly due to larger expenditure under "Salaries," owing to the leave allowance of some officers on leave in England having been drawn in India, and under "Establishment," consequent on the large increase in work. The increase under "Commissioners" is due to the appointment of an Additional Commissioner at Dacca to control the relief operations in the cyclone-affected area in Eastern Bengal. The excesses would have been larger but for savings under the head "Tour expenses," owing to the non-utilization of the provision for the construction of a new metre-guage bogie saloon for the use of His Excellency the Governor, the sanction of the Government of India to its construction having only just been received.

The budget estimate for 1920-21, besides allowing larger provision for the contract allowance of His Excellency and increase in the pay of the band establishment with a view to allow the staff the increment sanctioned for British soldiers, and larger provision under "Civil Secretariat—Contingencies." based on actuals, includes Rs. 61,767 for the construction of a new metre-gauge bogie saloon, to replace the present saloon, for the use of His Excellency, Rs. 5,000 for the revision of the office establishment of the Military and Private Secretaries to the Governor, Rs. 5,000 for repairs of Council room furniture in Government House, Calcutta. Rs. 14,000 for the revision of the pay of lower grade clerks of the Civil Secretariat, Rs. 9,228 for the reorganization of the office of the Board of Revenue, and Rs. 3,240 for the entertainment of a temporary establishment in connection with the revision of the Bengal local statutory rules and orders.

XVIA and 19A—Law and Justice—Courts of Law.

Revenue.

	Actuals.			Budget estimate, 1919-20	Revised estimate, 1919-20	Budget estimate, 1920-21.
	1916-17.	1917-18	1918-19			
	Rs.	Rs	Rs.	Rs	Rs.	Rs.
Sale-proceeds of unclaimed and escheated property ...	24,617	35,376	31,400	35,000	70,000	40,000
Court-fees realized in cash ...	1,06,277	97,206	91,630	1,00,000	1,30,000	1,50,000
General fees, fines and forfeitures	7,35,415	8,22,642	7,63,111	8,20,000	8,00,000	8,00,000
Pleadership examination fees ...	22,905	22,248	24,246	23,000	26,000	25,000
Miscellaneous fees and fines ...	3,813	1,14,275	1,85,330	1,80,000	2,60,000	3,00,000
Miscellaneous	28,359	30,453	28,667	30,000	44,000	35,000
Total ...	9,21,386	11,22,200	11,24,384	11,88,000	13,30,000	13,50,000

Receipts from Court fees and fines are not open to discussion

REVENUE.

The principal sources of revenue are, "General fees, fines and forfeitures" and "miscellaneous fees and fines." The receipts under these heads are, however, liable to fluctuation, as they depend largely on the amount of judicial fines inflicted and the fees and commissions realised by the Administrator-General. Against the sanctioned estimate of Rs. 11,88,000, considering the progress of actuals, the revised estimate for the current year has been fixed at Rs. 13,30,000. The increase is more or less contributed to by all the minor heads, but is mainly due to the fact that the realisations by the Administrator-General on account of fees and commissions are much better than was anticipated last year when the budget was framed.

Following the revised estimate, and allowing for a small expansion of revenue, the estimate for 1920-21 has been placed at Rs. 13,50,000.

Expenditure.

—	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs
High Court	14,16,577	14,65,450	14,49,384	14,91,000	15,08,000	15,44,000
Law officers ...	7,61,480	6,89,495	8,76,946	7,39,000	6,51,000	7,33,000
Administrator-General and Official Trustee ...	...	46,373	1,06,323	1,26,000	1,05,000	1,14,000
Coroner's Court ...	7,922	7,910	8,036	8,000	8,000	8,000
Presidency Magistrates' Courts	1,69,906	1,40,256	1,58,905	1,52,000	1,64,000	1,63,000
Civil and Sessions Court	48,36,172	49,20,045	51,26,150	51,60,000	53,06,000	54,19,000
Courts of Small Causes ...	2,58,498	2,70,080	2,65,029	2,86,000	2,81,000	2,82,000
Criminal Courts ...	23,92,242	23,87,890	23,34,324	23,90,000	25,29,000	30,93,000
Pleadership examination charges	13,240	11,942	10,950	13,000	11,000	11,000
Refunds	64,190	69,262	65,909	70,000	70,000	70,000
Total ...	99,24,187	1,00,08,701	1,04,01,062	1,04,35,000	1,06,33,000	1,14,37,000

Expenditure.

High Court.—Under this head are shown the salaries of the judges and officers and establishments of the High Court, and the connected contingent expenditure. The small increase in the revised estimate is mainly due to the retention of the additional Puisne Judge for the whole year, instead of for four months only, as was expected when the budget was framed last year. The ensuing year's estimate generally follows the revised estimate for the current year, with the exception that a slightly larger provision has been made under contingencies according to requirements, and a provision of Rs. 52,788 for an additional judge and his establishment for the whole year. Pages 6

Law officers.—This minor head comprises the charges on account of the Advocate-General, the Legal Remembrancer, the Government Solicitor, the Standing Counsel, the Public Prosecutor and Government pleaders in the High Court and in the mufassal. It also includes the fees paid by Government to pleaders in civil and criminal cases. The expenditure being dependent on the number and importance of the cases entrusted to pleaders, the charge under the last named head is of a fluctuating nature. The small decrease in the revised estimate is mainly under the head "Salaries" and "Supplies and Services." The estimate for 1920-21 allows for the normal growth of expenditure, but the increase is mainly due to larger provision under "Fees to pleaders" based on the current year's ten months' actuals. Pages 7

Civil and Sessions Courts.—To this minor head are debited the charges in connection with the Courts of District and Sessions Judges, Subordinate Judges and Munsifs and process-serving and copyist establishments. The increase in expenditure in the current year is due mainly to the additional temporary courts which it has been found necessary to open, to cope with the steady increase in judicial work, and partly to the payment of war allowances to menials and larger expenditure under contingencies. The ensuing year's estimate, besides providing for a further increase in the volume of judicial work, includes a provision of Rs. 2,50,000 for the improvement of the pay Pages

of the officers of the Provincial Judicial Service, against a lump provision of Rs. 1,25,000 for the same purpose in the current year's budget. The estimate for 1920-21 also includes a few schemes involving small expenditure, the details of which are given in the schedule attached as an annexure to this memorandum.

180. *Courts of Small Causes.*—The salaries of the judges and officers of the Presidency and mufassal courts, their establishment and connected contingent expenditure, are shown under this minor head. The provision for the seventh additional judge and his establishment, which exists in the current year's budget, has been repeated in the estimate for 1920-21.

181. *Criminal Courts.*—Under this minor head the variations in the figures follow the corresponding alterations under the head, "3. Land Revenue—Charges of district administration," a portion of which is transferred to this head. The large increase in the revised estimate for the current year is mainly due to an increase in expenditure under "Supplies and Services" and "Contingencies," owing to a rise in the price of all articles of stationery, and to the enhancement in the rate of postage and telegram charges recently made by the Postal Department, as also to the payment of war allowance to menials. The estimate for 1920-21 assumes the continuance of these abnormal causes, but the increase of Rs. 5,64,000, which represents a share of the total increase, over the revised estimate for the current year, is mainly due to a lump provision of Rs. 2,50,000, against a provision of Rs. 1,25,000 in the current year's budget, for the furtherance of the scheme for the appointment of circle officers, and to a provision of Rs. 10,53,000 to give effect to the recommendations of the Public Services Commission for the revision of the pay and prospects of the Indian and Provincial Civil Services officers. The last named scheme is at present before the Secretary of State and it is hoped that orders will shortly issue.

XVIB and 19B.—Law and Justice—Jails.

Revenue.

—	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs.	Rs.	Rs	Rs.	Rs.
Jails	1,138	925	1,586	1,000	2,000	2,000
Jail manufactures	12,11,902	12,00,788	14,75,288	10,00,000	17,30,000	16,00,000
Total ...	12,13,040	12,01,713	14,76,874	10,01,000	17,32,000	16,02,000

REVENUE.

114. The main source of receipts under the head, "Law and Justice—Jails," is the sale-proceeds of articles manufactured in jails and supplied to the public and public departments. The sale-proceeds of quinine packets are also credited in moiety under this head and the head "XXI B.—Scientific and Miscellaneous Departments." The large increase in the revised estimate is mainly due to a large demand for quinine from the military authorities for the frontier campaign, and to the high prices that are at present obtainable for most of the articles of jail manufacture, especially for cotton goods, mustard-oil and castor-oil.

In view of the difficulty of obtaining good raw materials for uniforms and other cotton goods, and of the fact that a good crop next year might cause a fall in jail population and also in the demand for oil, gunny bags and other articles, the next year's receipts cannot be expected to be as high as those of the current year. The estimate for 1920-21 has, therefore, been placed at Rs. 16,02,000, against the revised estimate of Rs. 17,32,000 for 1919-20.

Expenditure.

Page 82

	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jails	19,22,545	19,39,344	22,46,541	20,43,000	26,93,000	26,73,000
Jail manufactures	8,72,291	10,95,214	15,33,121	9,60,000	14,00,000	13,84,000
Refunds	1,482	571	2,644	1,000	7,000	3,000
Total ...	27,96,318	30,35,129	37,82,306	30,04,000	41,00,000	40,60,000

Expenditure.

Under this head are shown (*a*) the salary of the Inspector-General of Prisons and the cost of his office establishment and contingencies, (*b*) the expenditure connected with the staff employed in the supervision of jails, (*c*) the charges for the maintenance of convicts, and (*d*) the cost of the purchase of raw materials for jail manufactures. The items (*c*) and (*d*) are fluctuating, being dependent on the strength of the jail population and on demands for jail manufactures. Variations in the price of food-grains and outbreaks of epidemic diseases in jails affect the charges for the maintenance of prisoners, while fluctuations in the price of raw materials affect the cost of production of jail manufactured articles.

Jails.—The increase in the revised estimate for 1919-20 as compared with the budget estimate for that year, occurs mainly under "Dietary charges" and "Clothing and bedding of prisoners," owing to the high prices of food-stuffs and clothing prevailing at present. The dietary charges are expected to rise by Rs. 4,16,000 and charges for clothing and bedding of prisoners by Rs. 1,00,000, besides an expected rise in expenditure of Rs. 21,000 under hospital charges, and of Rs. 43,000 under "Miscellaneous supplies and services." Increases made up of small sums occur also under other sub-heads. Pages 82

The estimate for 1920-21 makes allowance for the continuance of the high prices of cloth and bedding materials, but assumes that the crop prospects will be good and, therefore, that there will be a fall in the prices of food-stuffs. The only noticeable addition to recurring expenditure in the next year's budget, is the provision of Rs. 50,000 for the revision of the Jailors' establishment. The members of the Subordinate Jail establishment, at the beginning of the present year, submitted a memorial for the improvement of the pay and prospects of their service. Although the whole question of jail administration is shortly to be scrutinized by the Indian Jail Commission, after full consideration of the case, it has been decided not to postpone the improvements till the recommendations of that body are fully formulated, as the present conditions of the Subordinate Jail establishment are not what they should be under any economic conditions that are likely to be normal in future, while the phenomenal level of prices at the present time makes it necessary to attempt some immediate amelioration. The recommendations of this Government to the Government of India involve an additional expenditure of Rs. 50,000 next year, and provision has been made accordingly.

Jail Manufactures.—The increase of Rs. 4,40,000 in the revised estimate for 1919-20 is due mainly to the rise in the price of raw materials and to the purchase in larger quantities of such materials to supply the heavy demands for jail-made goods. As a fall in the price of raw materials cannot at present be hoped for, adequate provision has been made in the budget estimate for 1920-21 for their purchase, while provision has also been made for the purchase of European stores to make up deficiencies, as such articles during the war were not only scarce but expenditure on them was kept at a minimum as a measure of war economy. Pages 91

XVII and 20—Police.

Revenue.

—	Actuals. 1916-17	1917-18.	1918-19.	Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Cash receipts under the Arms Act	809	347	589	500	4,000	6,000
Police supplied to public departments, private companies and persons	24,937	21,323	15,851	23,000	17,000	21,000
Presidency police	1,17,109	1,21,495	1,30,631	1,62,000	2,66,000	2,70,000
Recoveries on account of village police	279	321	317	500	...	...
Fees, fines and forfeitures ...	14,727	17,914	22,961	22,000	23,000	24,000
Miscellaneous	15,145	20,446	77,641	23,000	29,000	30,000
Superannuation receipts ...	24	3	...	...	...	...
Police supplied to municipalities, cantonments and town funds	10,603	5,305	4,178	6,000	1,000	4,000
Total ...	1,83,633	1,87,154	2,52,168	2,37,000	3,40,000	3,55,000

REVENUE.

The receipts under this head consist mainly of (*a*) fees and fines levied under the Cattle Trespass Act, (*b*) the recovery of the cost of police supplied to public departments, private companies and persons, (*c*) fees levied under the Motor Vehicles Act and the Hackney Carriage Act, and (*d*) fees under the new Arms Act rules. The large increase of Rs. 1,03,000 in the revised estimate for the current year, as compared with the sanctioned estimate, is partly due to larger receipts than were contemplated under the Motor Vehicles Act, owing chiefly to the rapid increase in motor traffic, but mainly to an expected revenue of Rs. 72,000 as fees under the new Arms Act rules, a factor which was not taken into account when the current year's estimate was framed. Allowing for a small growth of revenue of Rs. 15,000 over the revised estimate for the current year, the estimate for 1920-21 has been fixed at Rs. 3,55,000.

Expenditure.

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs	Rs.	Rs.	Rs.	Rs.
Presidency Police ...	19,61,039	21,14,749	21,43,992	22,77,000	23,55,000	30,16,000
Superintendence ...	3,46,816	4,04,646	3,50,751	3,23,000	3,52,000	3,47,000
District Executive Force	77,99,845	85,38,077	90,17,691	93,22,000	98,38,000	1,01,07,000
Village Police ...	13,290	7,121	5,388	10,000	5,000	6,000
Special Police ...	3,12,625	3,24,858	3,70,521	3,73,000	4,75,000	3,83,000
Railway Police ..	3,56,867	3,68,621	4,02,237	3,64,000	3,56,000	3,18,000
Criminal Investigation Department ...	8,64,188	8,52,427	9,30,707	9,48,000	9,15,000	8,50,000
Cattle pounds ...	225	216	209	300	...	300
Refunds	2,388	2,572	3,910	3,700	4,000	4,700
For rounding ...	...	...	...	...	...	...
Total ...	1,16,57,283	1,26,13,287	1,32,25,406	1,36,21,000	1,43,00,000	1,50,32,000

EXPENDITURE.

The cost of establishment maintained in connection with cattle pounds debited to this head, but the bulk of the expenditure relates to the Police epartment. The charges relating to the maintenance of settlements for the :clamation of criminal tribes is also recorded under this head.

Presidency Police.—Against the sanctioned estimate of Rs. 22,77,000 Pages 95
)r 1919-20, the revised estimate for the current year has been fixed at s. 23,55,000. The increase of Rs. 78,000 over the sanctioned estimate is artly due to larger expenditure in clothing, and partly under "Salaries," wing to the revision of the pay of the Imperial Service officers sanctioned by ie Secretary of State. The increase in expenditure would have been large ut for the savings in the provision for the pay of the force owing to vacancies, nd for smaller savings under several other heads.

The budget estimate for 1920-21 provides for a further increase of ts. 6,61,000 over the revised estimate for this year, which is mainly due to a rovision of Rs. 5,00,000 for payment to the District Charitable Society to nable them to meet the cost of acquiring a suitable site in the suburbs of 'alcutta and of building a new alms house, Rs 76,000 for the creation of a 'ublic Vehicles department, to control the hackney carriages and the motor ehicles which have, this year, been transferred from the control of the 'alcutta Corporation to that of the police, and Rs 50,000 for the entertainent of extra staff for the licensing of arms under the new Arms Act rules A sum of Rs. 36,263 has been provided to meet the cost of additional staff and ecurring charges of the four new motor launches sanctioned for river patrol vork, and Rs. 30,000 for the supply of boots and *munda* shoes to head contables and constables. Another noticeable alteration in the estimate is the hange in the apportionment of the police charges between Government and he Port Commissioners, whereby such charges will be apportioned in future n the ratio of three-tenths and seven-tenths, respectively, with regard to the orce of the Port, Dock and the Jetty Police, while the Port Commissioners vill contribute also three-fourths of their seven-tenths share towards pension harges.

Superintendence.—The salaries of the Inspector-General, Deputy Page 9
Inspectors-General and of their establishment and contingencies are ccounted for under this minor head. The increase of Rs 29,000 in the revised estimate as compared with the sanctioned estimate for the current year, is mainly due to the revision of pay of the Imperial Police officers recently sanctioned by the Secretary of State and to the drawal in India of leave allowances by some of the officers who are on leave in England There as also been increased expenditure under contingencies owing to the rise in the price of articles of stationery and increase in the postal and telegram harges. The budget estimate for 1920-21 provides for the normal requirements of the department.

District Executive Force.—The salaries of District Superintendents, Pages
Assistant and Deputy Superintendents and of their establishments, and the cost of the District Police Force and of the provincial Police Training Schools at Sardah, Dacca and Berhampur are included under this head. The expenditure represents nearly 70 per cent. of the expenditure under the whole major head. Against a sanctioned estimate of Rs. 93,22,000 for the current year, the revised estimate for 1919-20 has been fixed at Rs. 98,38,000. The large increase of Rs. 5,16,000 is mainly due to an expenditure of over a lakh in the repairs of buildings damaged by the cyclone of September last, and to the abnormal rise in the price of cloth, which has caused a very great

increase in expenditure on clothing. The budget for the current year made insufficient provision under "Travelling allowance," and the revised estimate under this head has been fixed at Rs. 10,00,000, on the basis of recent actuals, against the sanctioned estimate of Rs. 5,50,000. Owing to the very great rise in the price of articles of stationery and increase in the rates of postal and telegram charges, an increased expenditure of Rs. 1,18,000 is expected under "Contingencies." The sanction of the Secretary of State to the increase in the pay of head constables not having been yet received, a saving of Rs. 2,17,000 is anticipated. But for this saving, the excess expenditure would have been larger.

In the expectation that the sanction of the Secretary of State will be received early next year, a provision of Rs. 2,08,950 has been made for raising the pay of head constables in the next year's estimate. Besides making sufficient allowance for the continuance of high prices during 1920-21, the coming year's budget provides Rs. 74,472 for raising the proportion of the ordinary reserve of constables in pursuance of the scheme already undertaken, Rs. 1,29,120 for strengthening the cadre of sub-inspectors to replace probationers under practical training, Rs. 18,863 for the continuance of the post of an Additional Superintendent at Asansol, Rs. 8,100 for the appointment of an Assistant Principal for the Police Training College at Sardah, Rs. 16,784 for raising the pay of European sergeants, and Rs. 4,902 for raising the scale of the emergency force in the Noakhali district. Owing to a rise in the price of food-stuffs, the rates of diet in police hospitals have recently been raised, and a provision of Rs. 8,000 has been made to meet the increased cost. A sum of Rs. 11,760 has been included in the budget for the payment of an additional grant for the Karwal Nut Settlement, due to an increase in the population of the Settlement, Rs. 7,497 for the employment of a detective staff on rails and rivers, and Rs. 27,000 for the replacement of the launch *Helen Henry* of the River Police.

Special Police.—Under this minor head are recorded the accounts of the Bengal Military Police, the Frontier Police, Chittagong, and the charges of the Upper Burma Police Depôt. The large increase of Rs. 1,02,000 in the revised estimate, as compared with the sanctioned estimate for this year, is mainly due to an increase in expenditure under "Ration allowance," owing to the rise in the prices of food-stuffs, and under "Clothing," owing to the abnormal rise in the price of cloth. The estimate for the ensuing year makes necessary provision for the normal charges of the department.

Railway Police.—This head includes the cost of the supervising staff and their establishments and the police force employed on the East Indian, Eastern Bengal, Bengal-Nagpur and Assam-Bengal Railways. Except in the case of expenditure on the Eastern Bengal Railway, which is wholly met from Provincial revenues, the line being a State railway, seven-tenths of the total cost used to be realised from the railway companies concerned and the recoveries used to be shown as deductions from the charges. The apportionment of the cost between Government and railway companies, has, however, been changed from this year, and under the new arrangement railway companies will bear the whole cost of watch and ward and Government that of crime and order. The companies will pay their shares as lump sum contributions, which will be taken as a set-off against expenditure.

Criminal Investigation Department.—The revised estimate shows a saving of Rs. 33,000, as compared with the sanctioned estimate for the current year, while the budget estimate for 1920-21 shows a further reduction of Rs. 65,000. These reductions in expenditure are mainly due to less expenditure under "Temporary force."

XVIII and 21—Ports and Pilotage.

Revenue.

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
:-proceeds of vessels and tores.	...	...	484	...	...	...
gistration and other fees, 'alcutta.	73,309	70,853	79,186	72,000	95,000	95,000
otage receipts, Calcutta ...	10,69,811	8,63,709	10,42,874	11,93,000	10,50,000	13,02,000
cellaneous	1,17,844	71,850	1,14,108	89,000	1,55,000	1,53,000
Total ...	12,60,964	10,06,412	12,36,652	12,64,000	13,00,000	15,50,000

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Revenue.

The total receipts under this head in 1918-19 amounted to Rs. 12,36,652, d the sanctioned estimate for 1919-20 was fixed at Rs. 12,64,000. In nsideration of the actuals of the first ten months of the current year, how- er, the revised estimate has been fixed at Rs. 13,00,000. Owing to shipping fficulties during the period of war the receipts under this head fell gradually. it now that hostilities have ceased, it is hoped that tonnage will increase, using a rapid recovery in the receipts, and the budget estimate for the com- g year has, therefore, been placed at Rs. 15,50,000.

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Expenditure.

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
rchase and hire of ships and vessels.	...	...	...	...	...	...
laries and allowances of officers and men afloat.	1,08,884	92,638	1,06,414	1,17,000	1,07,000	1,29,000
ctualling of officers and men afloat	27,878	32,829	26,439	32,000	40,000	40,000
rchase of marine stores and coal for the building, repairs, and outfit of ships and vessels.	1,18,336	2,24,249	1,62,733	1,69,000	1,69,000	1,96,000
lotage and pilot establishments.	5,80,968	5,05,147	5,89,776	6,29,000	7,50,000	8,00,000
rts and pilotage establishments.	59,038	78,826	74,783	95,600	1,00,000	94,000
bsidies to Steamer Companies.	3,000	3,000	3,000	4,500	3,000	3,000
iscellaneous	1,86,896	2,10,138	3,02,226	2,30,000	13,32,000	2,03,000
tate yacht establishment ...	27,250	10,817	17,178	51,000	30,000	34,000
efunds	2,779	2,541	3,200	3,000	3,000	3,000
or rounding	...	...	...	—100	..	...
Total ...	11,15,029	11,60,185	12,85,749	13,31,000	25,34,000	15,02,000

Page 1

Expenditure.

The important head under this major head is, "Pilotage and Pilot stablishment," the expenditure being dependent upon the collection of ilotage receipts, of which the pilots get about 55 per cent. The chief auses, however, of the large increase in the revised estimate, as compared vith the sanctioned estimate for the current year, are the grant of Rs. 8 lakhs y the Government of India to the Port Commissioners of Chittagong for the urchase of a dredger and the transfer to this head of the addition of Rs. 3,25,000 made by the Government of India to the "45—Civil Works—Civil" budget as an Imperial grant for the improvement of the port of Chittagong.

Page

Against the sanctioned estimate of Rs. 13,31,000 for 1919-20 the budget estimate for 1920-21 has been fixed at Rs. 15,02,000. The large increase in the ensuing year's estimate is partly under the head "Pilotage and Pilot establishment," as increase in pilotage receipts causes an increase in pilotage charges, and partly under the head, "Purchase of marine stores and coal for the building, repairs and outfit of ships and vessels," owing to a rise in the prices of machinery and all articles of European manufacture. The ensuing year's budget also includes Rs. 20,000 for the revision of the salaries of officers in accordance with the recommendations of the Public Services Commission, Rs. 16,000 for the revision of the scales of salaries of the Royal Indian Marine officers, Rs. 19,728 for increasing the pay of engineers, marine surveyors and Assistant Shipping Masters, and Branch Shipping Office, Rs. 9,310 for the purchase of a new boiler for the steam launch *Isabel* to replace the present old one, Rs. 90,000 for the payment of fees to Sir Bradford Leslie and to Mr. Basil Mott for the preparation of designs, etc., for the proposed new Howrah bridge, and Rs. 49,000 for the removal of the disparity in the treatment between lascars taken prisoners from British ships and enemy ships, in respect of their wages. As the last named expenditure is entirely due to the war, the Government of India have been moved to make a corresponding grant to reimburse this Government for this expenditure and a similar amount has been claimed on the receipts side this year under the head "Transfer between Imperial and Provincial."

In view of the transfer of the administration of the port of Chittagong to the charge of the Railway Board, the usual provision of Rs. 1,50,000 as a contribution to that port has been omitted from the next year's estimate, but full provision for the salary of the Port Officer, instead of half as at present, has been made. Since the greater part of the duties which the Port Officer has to perform is on behalf of Government, it has been decided that no recovery for his pay will in future be made from the Port Fund.

XIX and 22—Education.

Revenue.

—	Actuals. 1916-17	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21
	Rs.	Rs.	Rs.	Rs.	Rs	Rs
Fees, Government colleges—						
General	3,48,322	3,56,415	3,73,344	4,00,000	3,85,000	4,20,000
Professional	59,539	60,[illegible]21	57,907	62,000	77,000	85,000
Fees, Government schools—						
General	4,32,086	4,26,982	4,33,093	4,38,000	4,43,000	4,55,000
Special	39,864	39,166	41,604	45,000	57,000	65,000
Contributions from Native States, private persons and municipalities	12,135	15,225	4,985	16,000	8,000	5,000
Income from endowments ...	...	...	...	...	...	...
Miscellaneous	55,446	53,341	72,176	68,000	70,000	70,000
Total ...	9,47,392	9,51,950	9,83,109	10,29,000	10,40,000	11,00,000

Revenue.

The actuals of 1918-19 amounted to Rs. 9,83,109 and the budget estimate for this year was Rs. 10,29,000. Considering the actuals of the first nine months of the current year, the revised estimate for 1919-20 has been fixed at Rs. 10,40,000. Allowing for a normal growth of revenue, the estimate for the ensuing year has been placed at Rs. 11,00,000.

Expenditure.

—	Actuals 1916-17.	Actuals 1917-18.	Actuals 1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate 1920-21.
	Rs.	Rs.	Rs	Rs.	Rs	Rs.
University	1,21,076	1 16,199	1,15 000	16,15,000	1,15,000	6,60,000
Direction	1,52,171	1,62,286	1,22,389	1,54,000	1,65 000	1,55,000
Inspection	8,95,833	8,98,391	8,94,980	9,23,000	9,50,000	9,70,000
Government Colleges { General ...	9,06,720	9,29,265	9,39,481	9,56,000	10,50,000	10,46,000
Government Colleges { Professional ...	3,40,846	3 42,942	3,63,234	3,77,000	3,69,000	3,97,000
Government Schools. { General ...	20,62,678	22,29,573	25,46,257	25,74,000	28,00,000	33,60,000
Government Schools. { Special ...	7,26,801	7,11,182	7,09,246	9,08,000	7,50,000	16 46,000
Grants-in-aid	18,93,911	20,18,445	23,67,843	24,73 000	24,50,000	26,95,000
Scholarships	2,48,827	2,49,598	2,74,506	2,76,000	2,82,000	2,80,000
Miscellaneous	3,36,261	4,25,960	2 76,130	7,05,000	5,76,000	5,49,000
Refunds	2,028	8,220	3,168	2,000	1,000	2,000
Provision for giving effect to the recommendations of the Public Services Commission ...	...	...	...	...	...	3 76,000
Lump provision for expenditure of the recurring imperial assignment	...	...	...	10,200	...	2,410
Further grant for improvement of education	...	...	...	3,730	...	3,420
Lump provision for recurring expenditure for improving popular education	...	...	...	6,564	...	...
Lump provision for recurring expenditure for the development of primary education ...	...	...	...	2,664	..	...
Probable savings	...	...	...	12,90,158	...	...
For rounding ...	...	...	...	...	...	+170
Total ...	76 87,152	80,92,061	86,12,234	97,86 000	95,08,000	1,21,42,000

Expenditure.

Against the sanctioned estimate of Rs 97,86,000 for 1919-20 and the revised estimate of Rs. 95,08,000 for the current year, the ensuing year's estimate has been fixed at Rs. 1,21,42,000 The coming year's estimate includes a provision of Rs. 3,76,000 to give effect to the recommendations of the Public Services Commission for the improvement of the pay and prospects of the Imperial and Provincial Services officers Even leaving this provision out of account, the next year's budget provides for a growth of expenditure of Rs. 22,58,000, over the revised estimate for the current year. The main features of the budget estimates are explained in detail under the minor heads below.

University.—The sanctioned estimate of Rs. 16,15,000 for 1919 20, was made up of the recurring Imperial grants of Rs. 30,000 for administration, Rs. 20,000 for Law Colleges, and Rs. 65,000 for the development of the University, besides a lump provision of Rs. 15 lakhs for capital expenditure that may be necessary in connection with the recommendations of the University Commission. The findings of that body having been received too late, it is improbable that any capital expenditure will be incurred this year, and hence the revised estimate for the current year has been fixed at Rs. 1,15,000. The estimate for the ensuing year provides for the usual recurring Imperial grants, and a lump provision of Rs. 5,45,000 for the recurring expenditure that may have to be incurred in connection with the establishment of a University at Dacca. Page 12

Direction.—Under this minor head are shown the salaries of the Director of Public Instruction and of his Assistants, also the pay of the establishment of the Director's office and the connected contingent expenditure. The Page 12

small increase in the revised estimate is mainly under "Salaries," and is due to the privilege leave allowance of Mr. Hornell having been drawn in India instead of in England.

The budget estimate for 1920-21 provides for normal charges.

Inspection.—The salaries of the Inspectors of European schools, of technical schools and industries and of other schools, together with the cost of their establishment and contingent expenditure are recorded under this head. The expenditure incurred by the District School Committee is also included under this minor head. The small increase in the revised estimate over the sanctioned estimate for the current year, is mainly under establishment and contingencies. The provision of Rs. 36,000 for the appointment of Additional Assistant Inspectresses of Schools out of the Imperial grants has been repeated in the next year's estimate, which also includes a sum of Rs. 13,380 for strengthening the subordinate Inspectorate by the creation of 18 additional appointments in the Subordinate Educational Service, and Rs. 13,080 for the improvement of the conditions of the services of school mistresses and female inspecting staff, and for granting them house rent allowances.

Government Colleges—General.—The estimate for the current year under the head, "English—Arts Colleges—Salaries," was fixed at Rs. 6,59,200, after deducting Rs. 77,612 as probable savings, owing to some officers being on military duty and on leave in England. The actuals, however, indicate that the deduction was excessive, and the revised estimate has, therefore, been fixed at Rs. 7,10,000. This, together with an increased expenditure of about Rs. 20,000 under "Supplies and services," mainly account for the increase in the revised estimate for the current year. The increase under "Supplies and services," is chiefly due to increase in boarding charges, owing to a rise in the price of food-stuffs and to larger expenditure under "Laboratory charges" and "Purchase of maps, books and periodicals." The coming year's estimate, besides providing for normal charges, includes Rs. 4,800 for the creation of a post in the Imperial Educational Service for the Principalship of the Rajshahi College, Rs. 2,400 for the appointment of a lecturer in English for the same College, and Rs. 13,800 for the purchase of scientific apparatus and chemicals for the physical and chemical laboratories attached to Government Colleges. During the war scientific apparatus and chemicals could not be obtained and the result has been that it has not been possible to keep stock up to the normal level. The increased provision, therefore, is to make up that deficiency to a certain extent.

Government Colleges—Professional.—The small reduction in the revised estimate is mainly due to the transfer of the provision of Rs. 8,000 for mining instruction in the coal-fields to the head "Grants-in-aid." The estimate for 1920-21 has been fixed at Rs. 3,97,000 against the sanctioned estimate of Rs. 3,77,000 and the revised estimate of Rs 3,69,000 for the current year. The increase in the next year's estimate, as compared with the sanctioned estimate for the current year, is mainly due to a provision of Rs. 13,640 for the improvement of pay and prospects of the European foreman-instructor and laboratory assistants, Civil Engineering College, Rs. 3,900 for the appointment of a personal assistant on Rs. 250—10—350, with a house allowance of Rs. 75 per mensem for the Principal, Civil Engineering College, and Rs. 7,685 for the purchase of electric apparatus for the same College. Owing to the reduced boarding freeships, an increased provision of Rs. 9,840 has also been made under "Boarding stipends."

Government Schools—General.—The increase in the revised estimate for the current year, as compared with the sanctioned estimate for 1919-20, is mainly due to an increase in expenditure under the head. "Secondary schools—English." In consideration of recent actuals, the estimate for 1919-20 under this sub-head was fixed at Rs. 9,75,000, after deducting Rs. 3,90,759 as probable savings. The first ten months actuals of the current year, however, indicate that the savings will be less than were originally anticipated, and the revised for this year has been fixed at Rs. 12,13,000, the increase occurring mostly under "Supplies and Services—Boarding charges."

Against the actuals of Rs. 25,46,257 in 1918-19 and the revised estimate of Rs. 28,00,000 for 1919-20, the budget estimate for the ensuing year has been fixed at Rs. 33,60,000. The large increase in the estimate for 1920-21 is mainly due to larger provision from Imperial grants for the development of secondary and primary education, and to the provision of Rs. 3 lakhs for the improvement of primary education in Calcutta by opening a limited number of model schools, by taking over new schools every year, by improving a certain proportion every year of existing schools which are capable of improvement, and by the provision of a training college for teachers. The additional expenditure involved in the improvement of primary education in Calcutta, will be shared by the Government and the Calcutta Corporation. Another important improvement allowed for in next year's estimate, is the provision of Rs. 1,08,100 for the imparting of manual instruction in schools and for the opening of manual training classes. Besides provision for the above mentioned schemes, the coming year's estimate also includes Rs. 15,750 for the appointment of a European headmaster for the Hastings House School and for recurring charges for teaching science, Rs 10,000 for the establishment of a central *Purdanashin* Hindu school at Calcutta, and Rs. 4,200 for the appointment of two mistresses for teaching English in Dr. Khastagir's High School for Girls, Chittagong.

Government Schools—Special.—The large decrease in the revised estimate, as compared with the sanctioned estimate for the current year, is partly due to the non-utilization of the lump provision of Rs. 1,73,671 under the head, "Guru Training Schools," for additional pandits and maulvis, and to savings under "Stipends to pupils," owing to the sanction of the Secretary of State to the scheme for the training of *gurus* not having been received in time for the provision to be utilised in full In the estimate for 1920-21 the provision for additional pandits and maulvis under "Guru training Schools" has been repeated, and Rs 1,00,000 has been provided against Rs 1,24,000 in the current year's budget in pursuance of the scheme for the construction of buildings for *guru*-training schools In the expectation that the sanction of the Secretary of State will be received during the course of this year, and that it will be possible to introduce the scheme for the training of *gurus* next year, only Rs. 1,69,371 has been deducted as probable savings, against Rs. 2,45,111 deducted from the gross estimate under "*Guru*-training Schools" this year. The noticeable additions, however, in the next year's budget, are the provisions of Rs 6 lakhs for the acquisition of a site for the establishment for a Technical Institute in Calcutta, Rs. 81,000 for Muhammadan education in madrassas, and Rs. 31,000 for the completion of the Technical School hostel at Kanchrapara. The coming year's estimate also includes Rs. 4,445 for the improvement of the pay and prospects of the five weaving teachers in charge of outlying centres and the two lecturers attached to the Government Weaving Institute Serampore, Rs. 4,800 for the establishment of weaving schools at Noakhali and Zorawarganj, Rs. 6,120 for additional staff for the Government Commercial Institute, and Rs. 6,360 for the improvement of the pay and prospects of European instructors at the Dacca School of Engineering and for the reorganization of that school. Pages 142.

Grants-in-aid.—In consideration of recent actuals, the current year's estimate was fixed at Rs. 24,73,000 after deducting Rs. 2,57,906 as probable savings. In the expectation that most of the schemes will mature by next year, and that the Imperial grants, which have been repeated in the ensuing year's budget, will also be utilized, a sum of Rs. 42,626 only has been deducted as probable savings from the next year's gross estimate, and the net estimate has been fixed at Rs. 26,95,000. This, together with the omission from the next year's estimate of the provision of Rs. 1 lakh for the Calcutta Girls' School, mainly account for the increase of about Rs. two and a half lakhs over the revised estimate for this year. The only noticeable features in the next year's estimate are a provision of Rs. 1 lakh for the improvement of primary education in the mufassal, Rs. 19,880 for the payment of a grant to the Indian Society of Oriental Art, Calcutta, Rs. 3,240 for additional training stipends for girls in Western Bengal, to meet to some Pages 144.

ages 145 and 146.

extent the present dearth of trained female teachers, Rs. 40,000 for rai the rate of boarding grants under articles 46 and 47 of the European Sc Code, and Rs. 2,000 for giving facilities for the education of the childre the teachers employed in European schools.

Scholarships.—The sanctioned estimate for 1919-20 is Rs. 2,76,000, on the basis of recent actuals, the revised estimate for the current year been fixed at Rs. 2,82,000. The estimate of Rs. 2,80,000 for 1920-21 clc follows the revised estimate for this year.

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Miscellaneous.—Under this minor head provision is made for the ment of grants for the encouragement of literature, examination cha and other miscellaneous charges. The large reduction in the revised estir for the current year, as compared with the sanctioned estimate, is ma under the last named head, and is chiefly due to the non-utilization in fu the provision for Calcutta messes and hostels out of the Imperial gra Besides providing for the normal requirements of the department, coming year's estimate includes Rs. 9,792 for the appointment of 16 additi peripatetic needle-work teachers, Rs. 6,000 for the appointment of a s master, and Rs. 18,500 for the development of evening classes in mi centres.

Imperial grants.—The distribution of the various recurring and recurring grants made by the Government of India to this Presidency for development of education under the several minor heads in this and year's budget is shown below:—

	1919-20. Rs.	1920-21 Rs.
University	3,65,000	6,10,000
Inspection	46,849	47,159
Government colleges General	6,960	6,960
Ditto Professional	4,020	4,020
Government Schools—General	14,55,038	23,72,342
Ditto Special	5,60,150	13,31,582
Grants-in-aid	16,52,733	9,32,787
Scholarships	27,132	27,132
Miscellaneous	2,76,664	2,31,188
Lump sum unallotted	23 158	5,830
Total ...	44,17,704	55,79,000

XXA and 24A—Medical.

Revenue.

ge 17.

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate. 1919-20.	Bud estim 1920-
	Rs.	Rs.	Rs.	Rs.	Rs.	R
Medical School and College fees	1,14,758	1,29,266	1,32,778	1,40,000	1,67,000	1,75
Hospital receipts (receipts from paying-patients).	1,56,030	1,54,012	1,73,186	1,63,000	1,65,000	1,75
Lunatic Asylum receipts ...	24,008	26,191	12,167	9,000	10,000	11
Contributions (from municipalities and private persons).	64,030	65,259	64,606	64,000	64,000	79
Medicines sold by Civil Surgeons	15	...	1,650	...	...	...
Miscellaneous	14,777	26,106	31,425	20,000	34,000	35
Total ...	3,73,618	4,00,834	4,15,812	3,96,000	4,40,000	4,75

REVENUE.

The budget estimate for 1919-20 was placed at Rs. 3,96,000, but the revised estimate for the current year has been fixed at Rs. 4,40,000. The large increase in the revised estimate as compared with the sanctioned estimate for this year, is mainly under the minor head "Medical School and College fees," and is due partly to the additional accommodation for 100 students in the Dacca and Campbell Medical Schools and partly to the raising of school fees for all new admissions from Rs. 4 to Rs. 6 per mensem. Pages 1

Allowing for a further additional accommodation for 100 students next year, and anticipating a receipt of Rs. 20,000 from the Dacca Mitford Hospital, the budget estimate for 1920-21 has been fixed at Rs. 4,75,000.

Expenditure.

—	Actuals. 1916-17.	1917-18.	1918-19	Budget estimate, 1919-20.	Revised estimate, 1919-20	Budget estimate, 1920-21.
	Rs.	Rs.	Rs	Rs.	Rs	Rs.
Medical establishment ...	4,53,141	4,59,816	4,89,957	6,72,000	5,81,000	6,16,000
Hospitals and dispensaries ...	10,84,780	15,41,284	15,57,119	12,39,000	15,63,000	19,30,000
Grants for medical purposes ...	1,09,283	96,406	99,700	1,00,000	1,00,000	1,10,000
Medical Schools and Colleges ...	4,37,107	4,55,371	5,09,191	5,18,000	5,70,000	5,98,000
Lunatic Asylum	1,96,528	1,95,443	1,89,479	1,82,000	2,30,000	1,99,000
Chemical Examiner ...	38,010	40,095	39,225	42,000	40,000	58,000
Refunds	17,481	15,656	16,357	16,000	16,000	16,000
Lump provision for the revision of pay of Sub Assistant Surgeons	...	...	...	...	...	50,000
Improvement of the pay of Provincial Service officers according to Public Services Commission	...	...	..	...	...	1,33,000
Total ...	23,36,330	28,04,071	29,01,028	27,69,000	31,00,000	37,10,000

Page 1

EXPENDITURE.

Medical Establishment.—Under this minor head are shown the salaries of the Surgeon-General, Civil Surgeons and their establishments, together with contingent charges. It also records the pay of the Assistant and Sub-Assistant Surgeons paid by Government and of the reserve medical officers and subordinates. The large decrease in the revised estimate for this year is chiefly due to the transfer of a part of the lump provision of Rs. 1,50,000 for the increase of pay of Indian Medical Service officers to other minor heads, to which the pay of officers is debitable. The estimate for 1920-21 generally follows the sanctioned estimate for the current year but a sum of Rs. 33,520 only has been deducted as probable savings from the gross estimate under "Salaries—District Medical Establishment," against Rs. 00,620 deducted from the gross estimate for the current year. This is due to the fact that, hostilities having now ceased, it is expected that the medical officers who were on military duty will now revert to their civil duties and, therefore, next year there will be the normal savings on account of officers on leave. The increased rates of pay recently sanctioned by the Secretary of State for the Indian Medical Service officers in accordance with the recommendations of the Public Services Commission, have also been provided for under the various minor heads to which they are debitable, instead of in lump, as in the current year's budget. Pages 152.

Hospitals and Dispensaries.—The accounts of all the Presidency hospitals and of the grants to hospitals and dispensaries, together with the Government share of expenditure in mufassal hospitals and dispensaries, are recorded under this head. The expenditure of the Albert Victor Asylum for lepers is also shown here. The large increase in the revised estimate, as compared with the sanctioned estimate for the current year, is mainly due to the increased rates of pay sanctioned for the Indian Medical Service Pages

officers and to the payment of war allowance to menials. Greater expenditure under "Contingencies" in the Medical College Hospital, General Hospital and Campbell Hospital, and under "Supplies and Services" in the Campbell Hospital, also contributes largely towards the increase. The increase in expenditure under "Contingencies" and "Supplies and Services," is mainly due, in the case of the former head, to the abnormal rise in the prices of all articles of stationery, and under the latter, partly to the rise in the prices of all articles of food-stuffs and medical stores and partly to an increase in the number of patients, due to the growing popularity of the hospitals.

Against the sanctioned estimate of Rs. 12,39,000 and the revised estimate of Rs 15,63,000 for the current year, the budget estimate for 1920-21 has been fixed at Rs. 19,30,000. The very large increase in the coming year's estimate is chiefly due to provision for the payment of a grant of Rs. 4,00,000 to the Belgachia Medical Institute to enable the authorities to effect certain improvements to comply with the requirements of the Calcutta University, Rs. 15,000 for payment of a grant to the Madaripur Dispensary Committee for the construction of a hospital, and to smaller deduction as probable saving under "Salaries," owing to the expected reversion of medical officers to civil duty. The next year's estimate, besides providing Rs. 70,000 to meet the expenses of the Dacca Mitford Hospital for the whole year, includes Rs. 3,000 for the improvement of the Voluntary Venereal Hospital, Rs. 3,960 for the establishment of an external maternity organization in connection with the Eden Hospital, Calcutta, Rs. 3,600 for the appointment of an assistant radiographer for the Medical College Hospital, Rs. 3,900 for the appointment of a caretaker of instruments on Rs. 250—10—300, with a house rent allowance of Rs. 75 per mensem, for the same hospital, Rs. 13,838 for the establishment of a special department at the Campbell Hospital for the treatment of diseases of the eye, ear, nose and throat, both in the indoor and outdoor wards, and several other schemes involving smaller expenditure, the details of which are shown in the schedule appended to this note.

Medical Schools and Colleges.—The increase of Rs. 52,000 in the revised estimate for the current year, as compared with the sanctioned estimate of Rs. 5,18,000 for 1919-20, is partly due to increased expenditure under "Salaries" and partly to larger outlay under "Allowances," "Supplies and Services" and "Contingencies," owing to the rise in the price of all articles of European manufacture. The estimate of Rs. 5,98,000 for 1920-21, besides providing for the normal growth of expenditure, allows larger provision for medical and European stores to make up the deficiency in stores in the Campbell Medical School, and Rs. 3,500 for a stone-topped dissecting table for the Dacca Medical School.

Lunatic Asylum.—Owing to the rise in the price of food-stuffs and and clothing, there has been a large increase in expenditure under the head "Diet and clothing," which mainly accounts for the increase in the revised estimate, as compared with the sanctioned estimate for the current year. The estimate for the coming year provides for the normal requirements of the Asylum, and assumes that with a good harvest there will be a fall in the price of food-stuffs.

In the estimate for 1920-21 a sum of Rs. 1,33,000 has also been provided in lump for the improvement of pay of the Provincial Service officers, in accordance with the recommendations of the Medical Services Committee, and Rs. 50,000 for the revision of the pay of Sub-Assistant Surgeons.

XXB and 24B—Sanitation.

Revenue.

—	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Sanitation and vaccination receipts	Rs. 83,937	Rs. 12,322	Rs. 6,509	Rs. 10,000	Rs. 68,000	Rs. 18,000

REVENUE.

Under this head are recorded the sale-proceeds of lymph, fees for water nalysis, fees from candidates for training as sanitary inspectors, and mis-ellaneous receipts. An anonymous donor has paid a sum of Rs 50,000 to Iis Excellency the Governor for expenditure on sanitary improvements and he Indian Research Fund Association have paid Rs. 2,640 for testing vital tatistics. These have been credited under this major head, which mainly ccounts for the increase in the revised estimate. As no contribution is xpected next year, allowing for a small growth of revenue from sanitary nd other fees, the estimate for the coming year has been fixed at Rs 18,000 Page 18

Expenditure.

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—	Actuals. 1916-17	1917-18	1918-19.	Budget estimate, 1919-20	Revised estimate, 1919-20	Budget estimate, 1920-21
	Rs.	Rs	Rs	Rs	Rs	Rs
Sanitation and Vaccination establishment	2,56,271	2,72,264	3,06,961	4,60,000	4,58,000	5,71,000
Grants for sanitary purposes ...	91,620	1,08,050	3,85,142	...	9,47,000	...
Expenses in connection with bubonic plague, malaria and epidemics	45,565	72,072	65,846	23,000	80,000	85,500
Bacteriological laboratories and Pasteur Vaccine Institute ...	...	16,774	12,807	13,000	15,000	13,000
Lump provision for sanitation ...	...	...	...	13,70,000	...	8,97,500
Refunds	...	23	264	...	...	...
Total ...	3,93,456	4,69,180	7,71,020	18,66,000	15,00,000	15,67,000

EXPENDITURE.

Against the sanctioned estimate of Rs 18,66,000 for 1919-20, the revised estimate for the current year has been fixed at Rs 15,00,000 The large saving in the revised estimate, as compared with the sanctioned estimate for this year, is partly due to the non-utilization in full of the lump grant for sanitation, and partly due to the transfer of a sum of Rs. 1,94,000 to the Irrigation Department for expenditure on the Saraswati Baragachi and Monikhali anti-malarial works and Rs 10,000 for anti-malarial surveys. Pages 1

Besides providing for the normal charges on account of the staff of the Vaccine Department and the Sanitary and Deputy Sanitary Commissioners and their staff and contingencies, the budget estimate for 1920-21 includes in pursuance of the scheme already undertaken Rs 1 lakh for an enquiry into hookworm disease, Rs. 12,500 for investigating river pollution, Rs 50,000 for the establishment of a Publicity Bureau to educate the general public in regard to public health and Rs. 10,000 for the creation of a separate subor dinate sanitary service for Bengal.

Grants for sanitary purposes.—Under this head are debited the grants to local bodies for minor sanitary works and for water supply and drainage schemes which are sanctioned out of the lump provision for sanitation. This accounts for the debit of Rs. 9,47,000 against this head in the revised estimate, which includes the following important schemes sanctioned this year:— Rs. 3,00,000 for the Dacca Sewerage scheme, Rs. 1,25,000 for the Krishnagar water-supply scheme, Rs. 1,00,000 for the Amta drainage scheme, Rs 50,000 for the Mymensingh water-supply scheme, Rs 20,000 to the Joynagar Municipality to enable them to bear their share of the Magrahat drainage scheme, Rs. 11,000 to the Jessore District Board towards the execution of the Arul Bhil drainage project, Rs. 21,000 for the Noakhali water-supply scheme, and Rs. 15,000 for the Malda drainage scheme. Page

Expenses in connection with bubonic plague, malaria and epidemics.—The only noticeable items under this minor head are the provision of Rs. 20,000 for anti-stegomyia measures for the prevention of yellow fever, and Rs. 30,000 for child welfare work. A scheme for the establishment for four laboratories for the analysis of water and food in the different parts of the Presidency has already been approved, and Rs. 5,000 has been provided in next year's budget for the establishment of one such laboratory at Dacca.

Lump provision for sanitation.—Necessary provision has also been made in the budget for 1920-21 on account of sanitary improvements and developments. The details of the schemes to be undertaken next year will be found in the schedule which forms an annexure to this note.

25—Political.*

Expenditure.

—	Actuals 1916-17.	Actuals 1917-18.	Actuals 1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Political Agents	16,168	22,141	18,411	21,000	20,000	20,000
Durbar presents and allowances to Vakils, etc.	5,732	3,144	5,347	7,000	7,000	7,000
Miscellaneous	67,480	2,54,442	2,63,279	2 42,000	16,000	19,000
Total ...	89,380	2,79,727	2,87,037	2,70,000	43,000	46,000

* This head is not open to discussion.

EXPENDITURE.

In the sanctioned estimate of Rs. 2,70,000 for 1919-20 a provision of Rs. 2,25,000 was included for the payment of personal and family allowances of *détenus* under the Defence of India Act. Since the passing of the estimates, it has been decided to debit such charges under the head "32—Miscellaneous," and the revised estimate has therefore been fixed at Rs. 43,000, excluding all expenses on account of *détenus*.

The estimate for 1920-21, besides allowing for larger provision for the pursuance of the scheme for the reporting of Bengali and Urdu speeches of importance in Calcutta and in the mufassal, generally follows the current year's sanctioned estimate.

XXIA and 26A—Agriculture.

Revenue.

—	Actuals. 1916-17.	Actuals. 1917-18.	Actuals. 1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Veterinary receipts ...	43,585	45,623	59,303	60,000	55,000	70,000
Agricultural receipts ...	72,612	75,833	1,08,280	1,25,000	1,30,000	1,85,000
Total ...	1,16,197	1,21,456	1,67,583	1,85,000	1,85,000	2.55.000

REVENUE.

The veterinary receipts consist mainly of the fees and fines realised in the veterinary school and the fees levied for the treatment of horses and cattle at the veterinary hospitals, together with miscellaneous receipts.

The agricultural receipts are made up mainly of the sale-proceeds of farm roduce at district farms and of receipts from sericultural nurseries.

Against the budget and revised estimate of Rs. 1,85,000 for the current ear, the ensuing year's estimate has been fixed at Rs. 2,55,000 The increase xpected is partly from the sericultural nurseries, for which a larger outlay as been provided on the expenditure side, and partly from district farms, wing to the opening of three new farms at Tippera, Mymensingh and Bogra.

Expenditure.

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—		Actuals 1916-17	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
eterinary charges	...	1,95,424	2,13,303	2,23,790	2,44,000	3,10,000	2,76,000
griculture ...	...	7,56,116	7,95,212	9,47,088	11,58,000	10,85,000	14,01,000
o-operative credit	...	1,34,935	1,63,007	2,55,154	3,46,000	3,30,000	4,38,000
efund ...	...	125	...	...	...	...	...
Total	...	10,86,600	11,71,522	14,26,032	17,48,000	17,25,000	21,15,000

EXPENDITURE.

Veterinary charges.—The large increase in the revised estimate, as ompared with the sanctioned estimate for the current year, is mainly under he head, "Purchase and keep of cattle," and is due to the rise in the price f fodder. The estimate for 1920-21 provides for the normal requirements f the department and follows the revised estimate for the current year Pages 1

Agriculture.—The activities of the Agriculture Department have expanded greatly lately, and the department at present comprisese the following principal officers:—(*a*) a Director of Agriculture, (*b*) three Deputy Directors of Agriculture, (*c*) a Fibre expert, (*d*) an Agricultural chemist, (*e*) an Economic Botanist (*f*) a Superintendent and two Curators for the Botanical Gardens, (*g*) six Superintendents of Agriculture, (*h*) five Farm Superintendents and six Assistant Farm Superintendents, (*i*) a Superintendent of Sericulture and (*j*) 26 District Agricultural officers. Pages 1

The small decrease in the revised estimate, as compared with the sanctioned estimate for the current year, is mainly due to the transfer of a sum of Rs. 97,000 from the lump provision of one lakh for agricultural education to the head "45—Civil Works—Public Works Department," for the construction of buildings in connection with the establishment of agricultural vernacular schools at the Chinsura and Dacca farms The savings would have been larger, but for increased expenditure under "Travelling allowance and contingencies" and smaller excesses under the various minor and sub-heads and larger outlay under "Sericulture," owing to the extension of cultivation. The Government of India have sanctioned an additional grant of Rs. 75,000 from Imperial revenues for the development of agricultural education, and though this amount does not appear in the Civil estimate among the sanctioned allotments of the current year, it is available for expenditure. The budget estimate for 1920-21 has been placed at Rs. 14,01,000 against the sanctioned estimate of Rs. 11,58,000 for the current year. In pursuance of the scheme for the construction of district agricultural farms, a provision of Rs. 1,10,000 has been made in the coming year's estimate for the opening of four new additional farms at Bankura, Faridpur, Chittagong Hill Tracts and Jalpaiguri. The ensuing year's estimate also includes Rs. 59,000 for the revision of the pay of the Imperial Service officers in accordance with the recommendations of the Public Services Commission and for the appointment of additional superior officers, Rs 62,788 for the

of a new sericultural nursery at Bholahat, Rs. 11,661 for the appointment of an additional Economic Botanist for taking up the question of improving the rice crop in Western Bengal and Rs. 2,500 for the appointment of an Assistant Curator for the Botanic Garden, besides larger provision under temporary establishment for the appointment of additional demonstrators, increased provision under travelling allowance on the basis of the revised estimate for the current year, and larger provision under "Sericulture" for further extension of cultivation.

Co-operative Credit.—The small saving in the revised estimate, as compared with the sanctioned estimate for the current year, is chiefly due to smaller expenditure under "Salaries and establishment." The budget estimate for 1920-21 has been fixed at Rs. 4,38,000 against the sanctioned estimate of Rs. 3,46,000 for this year. The coming year's estimate includes Rs. 20,640 for one Deputy Registrar and his establishment, Rs. 18,576 for the appointment of 12 additional auditors and their peons, the entire cost of which will be recouped by the levy of audit fees on the societies, Rs. 15,000 for the appointment of additional inspectors and their peons and Rs. 3,600 for the payment of grants to such co-operative societies as are established among poorer urban classes, in order to enable them to entertain a clerical staff for the maintenance of their accounts, besides a larger provision under "Travelling allowance" on the basis of recent actuals. A provision of Rs. 25,000 has also been made for the development of industrial societies, and Rs. 9,000 for a new boiler for the launch belonging to the Department.

XXIB and 26B—Scientific and Miscellaneous Departments.

Revenue.

—	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs.	Rs	Rs.	Rs.	Rs.
Cinchona plantations ...	11,99,128	25,64,635	12,90,053	10,00,000	15,94,000	11,71,000
Emigration fees ...	8,837	96	1,786	100	2,000	2,000
Inland labour transport fees ...	2,002	1,622	...	1,900	...	...
Examination fees ...	928	3,176	3,828	3,000	4,000	4,000
Miscellaneous ...	49,574	65,798	68,546	75,000	2,00,000	80,000
Fisheries ..	...	70	209	2,200	...	3,000
For rounding ...	...	..	...	-200	...	...
Total ...	12,60,469	26,35,397	13,64,422	10,82,000	18,00,000	12,60,000

REVENUE.

119. Owing to the cessation of hostilities the budget estimate for 1919-20 was fixed at Rs. 10,82,000 on the assumption that there will be a fall in the demand for quinine from the Military Department. The large increase in the revised estimate, as compared with the sanctioned estimate for the current year, is chiefly due to the large quantity of quinine supplied to the Lahore Medical Store for the Frontier Campaign, which was not foreseen when the budget was framed, and to the realisation of fees for registering a number of new companies started on the revival of trade.

Expenditure.

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs	Rs.	Rs.	Rs	Rs
Cinchona plantations ...	2,16,338	2,39,824	21,44,416	3,16,000	3,33,000	2,80,000
Donation to scientific societies...	18,375	17,472	21,375	22,000	21,000	24,000
Emigration	21,782	20,954	29,333	21,000	30,000	82,000
Inland labour transport ...	23,052	20,592	...	24,000	...	...
Inspector of Factories ...	57,154	73,340	77,496	74,000	66,000	85,000
Gazetteer and statistical memoirs	1,440	...	...	3,000	...	3,000
Provincial statistics ...	38,644	39,999	38,679	39,000	38,000	39,000
Preservation, etc., of ancient manuscripts.	9,200	9,200	6,000	9,200	6,000	6,800
Examinations	917	1,422	1,889	1,500	2,000	2,000
Fisheries	39,475	44,355	..	...	...	...
Development of industries ...	...	44,746	1,35,748	4,58,000	2,97,000	4,76,000
Miscellaneous	26,423	25,754	75,921	77,000	1,00,000	38,000
Registrar of Joint Stock Companies	15,991	16,844	16,755	22,000	21,000	22,000
Inspector of Mines ...	71	193	128	200	100	100
Refunds	754	560	879	700	900	900
Lump provision for the revision of pay according to Public Services Commission recommendations	...	...	..	...	..	20,000
Rounding ...	...	...	...	+400	...	+200
Total ...	4,69,606	5,55,255	25,47,719	10,68,000	9,15,000	10,79,000

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Expenditure

The original estimate for 1919-20 was fixed at Rs. 10,68,000, but it has been reduced to Rs. 9,15,000 in the revised estimate. The decrease is mainly due to savings under the head, "Development of industries," owing to some of the schemes of the new Department of Industries not having matured in time for the full provision to be utilized. Pages 1

The estimate for 1920-21, which has been placed at Rs. 10,79,000, besides allowing for the normal provision for the Cinchona Plantations and Rs. 1,43,000 for the office of the Director of Industries, includes Rs. 1,72,000 for the development of industries, Rs. 85,000 for the working of the Calcutta Research Tannery, Rs. 18,000 for the payment of a grant to the Bengal Home Industries Association, and Rs. 40,000 towards the construction of a floating emigration hospital at Goalundo. A sum of Rs. 10,000 has been provided for the establishment of a carp culture station near Calcutta, with a view to arrange for the supply of pure fry of the commoner fresh water carps and to carry on experiments and investigate the various problems underlying the breeding, development and growth of these fishes, and Rs. 3,210 for the appointment of two district fishery officers at Pabna and Faridpur, with a view to obtain first-hand information regarding the condition of fishermen and fisheries. With the development of industries there has been an increase in the number of factories, and a sum of Rs. 8,400 has been provided for the appointment of two additional inspectors in order to strengthen the Factory Department to cope with the increase in work. To give effect to the recommendations of the Public Services Commission Rs. 20,000 has been provided for the revision of salaries of superior officers.

As it has been decided to reduce considerably the strength of the office of the Director of Civil Supplies, which was established as a war measure, only Rs. 10,000 has been provided in next year's budget on this account. It may be noted that, though the expenditure for this is met from Provincial revenues in the first instance, it is ultimately recovered in full from the Government of India.

XXII and 29—Superannuation.

Revenue.

	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Contributions for pensions and gratuities	48,273	45 987	52,717	46,000	52,000	48,000
Deductions for Pilot Service Pension Fund.	10,738	11,382	12,039	12,000	12,000	12,000
Total ...	59,011	57,369	64,756	58,000	64,000	60,000

Revenue.

The receipts under this head consist chiefly of contributions for pensions and gratuities on account of officers of Government lent to foreign service for employment under the Court of Wards, municipalities and other local bodies and Native States. Deductions for pilot service pension funds are also shown under this head. The variations in the estimates, which are based on the progress of actuals, are small and call for no remarks.

Expenditure.

	Actuals.			Budget estimate 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
1	2	3	4	5	6	7
	Rs.	Rs.	Rs	Rs.	Rs.	Rs
Superannuation and retired allowances.	31,42 531	32,50,232	33,19,171	33,55,000	35,50,000	38,00,000
Covenanted Civil Service pensions	35,000	30 000	38,957	45,000	48,000	45,000
Compassionate allowances ...	3,643	3,702	4,929	4,000	12,000	10,000
Gratuities	29,892	24,775	16,671	18,000	41,000	17,000
Refunds	3	70	112	...	1,000	...
Commuted value of pensions ...	99,029	67,193	1,16,224	1,25,000	1 25,000	1,50,000
Total ...	33,01,098	33,75,972	34,96,064	35,47,000	37,77,000	40,22,000

Expenditure.

This head comprises charges for pensions, gratuities and compassionate allowances and for the commuted value of pensions to Government servants. In consideration of the actuals of the first nine months of the current year and of the increased expenditure that will be necessary owing to the improvement of the existing rules relating to superannuation and the retiring pensions of gazetted officers in certain of the civil services, recently sanctioned by His Majesty's Secretary of State for India in accordance with the recommendations of the Royal Commission on the Public Services in India, the revised estimate for 1919-20 has been fixed at Rs. 37,77,000.

Allowing a larger provision for commutation of pensions to satisfy the growing desire of Government pensioners to commute part of their pensions for lump cash payments, and taking into account the rapid growth of the

pensionary charges which is evident in recent actuals, and which is the result of new or increased establishments and higher salaries sanctioned some years ago, the budget estimate for 1920-21 has been fixed at Rs. 40,22,000.

XXIII and 30.—Stationery and Printing.

Revenue.

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—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Stationery receipts	2,934	2,530	1,158	3,000	2,000	3,000
Sale of gazettes and other publications.	97,735	79,680	1,18,078	85,000	1,44,000	1,45,000
Other press receipts ...	49,130	57,887	53,567	61,000	54,000	57,000
Total ...	1,49,799	1,40,097	1,72,803	1,49,000	2,00,000	2,05,000

Revenue.

Following the revised estimate of Rs 1,42,000 for 1918-19, and allowing for a small expansion, the estimate for 1919-20 was fixed at Rs. 1,49,000 In view of the nine months' actuals of the current year, however, the revised estimate has been fixed at Rs 2,00,000 The increase in the revised estimate, as compared with the sanctioned estimate for the current year, is chiefly due to a larger sale of the various publications of the Customs Department and of the Indian Law Reports. Page 19.

A further rapid increase next year cannot be safely hoped for, and the budget estimate for 1920-21 has been fixed at Rs 2,05,000

Expenditure.

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—	Actuals 1916-17.	1917-18	1918-19	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21
	Rs.	Rs.	Rs	Rs	Rs.	Rs
Stationery purchased in the country.	27,794	21,815	27,033	25,000	35,000	35,000
Government presses ...	5,80,498	5,52,995	5,84,657	5,40,000	6,42,000	7,14,000
Printing at private presses ...	2,251	1,410	1,431	2,000	2,000	2,000
Stationery supplied from central stores.	6,80,401	8,36,762	7,59,371	9,25,000	9,50,000	8,50,000
Refunds	641	740	1,176	1,000	1,000	1,000
Total ...	12,91,585	13,73,722	13,73,668	14,93,000	16,30,000	16,02,000

Expenditure.

The increase in the revised estimate, as compared with the sanctioned estimate for the current year, is mainly under the head "Government Pages 1

presses." The excess expenditure is mainly due to larger payments of overtime allowances in the Bengal Secretariat Press, owing to an increase in the printing work.

Against the provision of Rs. 38,000 in the current year's budget for the purchase of two linotypes and a book sewing-machine for the Secretariat Press, the estimate for 1920-21 includes Rs. 95,000 for the purchase of more linos and printing machines in order to cope with the anticipated increase in work. The only other noticeable provision is a sum of Rs. 5,508 for the revision of the Press and Forms Department establishment.

XXV and 32—Miscellaneous.

Revenue.

—	Actuals 1916-17.	1917-18.	1918-19.	Budget Estimate, 1919-20.	Revised Estimate, 1919-20.	Budget Estimate, 1920-21.
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs	Rs.
Recovery on account of famine expenditure	74,625	2,220	6,358	...	4,000	2,000
Unclaimed deposits ...	5,47,427	4,50,352	4,41,934	5,10,000	4,50,000	5,00,000
Treasure-trove	...	97	126	...	...	...
Sale-proceeds of Durbar presents	3,005	1,095	960	2,000	1,000	1,000
Sale of old stores and materials	1,449	8,235	3,322	2,000	4,000	4,000
Sale of lands and houses, etc. ...	2,712	62	380	1,000	2,000	2,000
Fees for Government audits ...	16,690	18,104	62,604	66,000	74,000	77,000
Rents	13,999	10,251	11,150	14,000	14,000	14,000
Miscellaneous fees, fines and forfeitures	7,292	6,751	22,409	9,000	8,000	7,000
Contributions	...	...	...	20,000	30,000	...
Extraordinary items ...	4,455	...	3,075	...	...	...
Miscellaneous	79,588	68,396	54,909	75,000	63,000	63,000
Total ...	7,51,242	5,65,563	5,07,227	6,99,000	6,50,000	6,70,000

REVENUE.

Against the sanctioned estimate of Rs. 6,99,000 for 1919-20, the revised estimate for this year has been fixed at Rs. 6,50,000. In view of the actuals of the first nine months of the current year, the original estimates of Rs. 5,10,000 and Rs. 75,000 under the heads "Unclaimed deposits" and "Miscellaneous" have been fixed at Rs. 4,50,000 and Rs. 63,000 in the revised estimates, while on the latest actuals the revised estimate under "Fees for Government audits" has been raised from Rs. 66,000 to Rs. 74,000. The increase of Rs. 10,000 under the head "Contributions" is mainly due to the part payment of the advance taken by the Hooghly-Chinsura Municipality last year. The estimate for 1920-21 is Rs. 6,70,000, and includes Rs. 5,00,000 for "Unclaimed deposits" and Rs. 63,000 under "Miscellaneous," which are very uncertain sources of revenue, and Rs. 77,000 for "Fees for Government audits."

Expenditure.

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	Actuals.			Budget Estimate, 1919-20	Revised Estimate, 1919-20.	Budget Estimate, 1920-21
	1916-17.	1917-18	1918-19			
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Peace Celebrations	...	...	...	...	1,25,000	...
War Boards—Publicity Board ...	...	...	60,599	...	60,000	...
Charges for search of hidden treasure	30	33	109	...	...	...
Miscellaneous charges for the treatment of patients at the Pasteur Institute ...	1,968	2,519	5,482	3,000	6,000	6,000
Rewards for proficiency in Oriental languages and allowances to Language Examination Committees	2,253	14,004	10,982	14,000	14,000	14,000
Cost of books and publications	604	2,125	1,200	600	...	...
Donations for charitable purposes	64,486	57,717	1,27,110	76,000	65,000	73,000
Charges on account of European vagrants	7,885	5,237	6,708	6,000	8,000	8,000
Rewards for destruction of wild animals	14,623	16,108	8,355	16,000	10,000	15,000
Petty establishments ...	22,772	21,969	21,746	22,000	23,000	22,000
Special commissions of enquiry	3,509	..	..	10,000	20,000	15,000
Irrecoverable temporary loans written off	10,520	1,51,755	3,57,578	10,000	10,000	10,000
Rents, rates and taxes ...	28,229	31,502	32,950	32,000	33,000	33,000
Contributions	3,043	4,626	33,866	8,000	4,000	6,000
Miscellaneous and unforeseen charges	50,246	10,065	12,489	3,21,000	1,95,000	7,30,000
Miscellaneous refunds ...	13,135	3,825	9,724	12,000	12,000	12,000
Annual stipends to holders of literary titles	1,900	2,400	1,998	2,300	2,000	2,000
Subscriptions to periodicals ...	3,633	734	3,969	1,000	1,000	1,000
Lump provision for grain compensation and other allowances to be distributed under the various heads	...	...	...	1,00,000	...	15,00,000
For rounding ...	...	...	..	100	...	...
Total ...	2,47,856	3,24,679	6,94,265	9,34,000	5,88,000	24,15,000

Expenditure

The estimate for 1919-20 was originally fixed at Rs. 9,34,000, but in the revised estimate this has been reduced to Rs. 5,88,000. The large reduction, which is more apparent than real, is chiefly due to the adjustment, under appropriate heads, of the expenditure sanctioned by His Excellency from his allotment for petty grants, of expenditure on grain compensation allowance, and to the re-appropriation of the reserve provision of Rs. 2,00,000 in order to meet expenditure under other heads. The reduction would have been larger, but for an expenditure of Rs. 1,25,000 for the free distribution of cloth to the poor on the occasion of the Peace Celebrations. The revised estimate also includes Rs. 1,51,000 for the maintenance of *détenus* under the Ingress into India Ordinance and the Defence of India Act. The expenditure on these accounts formerly used to be debited to the head "25—Political," but it has been decided to record them under this head from this year. Pages 196

Besides including the usual provision of Rs. 40,000 for allotment of petty grants by His Excellency, Rs. 4,00,000 for payment of grain compensation allowance, Rs. 75,000 for gratuitous relief and Rs. 2,00,000 as a general reserve for unforeseen requirements, the coming year's estimate includes Rs. 25,000 for the maintenance of *détenus*, Rs. 2,00,000 for raising the contract contingent grant of officers in cases where, consequent on the increase in work and rise in the price of articles of stationery, such a course will be found necessary, Rs. 11,00,000 to give effect to the scheme for the improvement of the pay of menials and for the grant of war allowance to menials and low-paid clerks, for which the sanction of the Government of India has been asked for, Rs. 1,50,000 to meet the necessary expenditure in connection with

preparations for the introduction of the Reforms scheme, and Rs. 8,000 for payment of a grant towards the maintenance of a Rescue Home for Indian girls.

33—Famine Relief.

Expenditure.

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Famine relief	1,47,237	...	8,678	50,000	3,15,000	25,000

Owing to the outbreak of famine in the Bankura district and the Brahmanbaria subdivision of the Tippera district and to the damage caused in Eastern Bengal by the cyclone of September last, regular operations for the relief of distress had to be undertaken, which accounts for the large expenditure in the revised estimate for the current year. Besides the direct expenditure shown under this head, large sums were also advanced to cultivators in the affected areas.

XXIX and 42—Irrigation Major Works.

Revenue.

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
In charge of Public Works Officers—						
Direct receipts ...	2,89,732	2,78,301	3,04,875	2,80,000	3,00,000	3,00,000
Provincial share (one-half)	1,44,866	1,39,151	1,52,437	1,40,000	1,50,000	1,50,000

Revenue.

The small increase in the revised estimate, as compared with the sanctioned estimate for 1919-20, is chiefly under navigation receipts, due to the continuance of the diversion of railway goods traffic on account of the shortage of railway wagons, to boat traffic on the Hijli Tidal Canal. The budget estimate for 1920-21 follows the revised estimate for the current year on the assumption that such boat traffic will continue during the next year.

Expenditure.

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Interest on debt	3,30,804	3,48,526	3,49,410	3,49,000	3,49,000	3,49,000
Provincial share (one-half) ...	1,65,402	1,74,263	1,74,705	1,75,000	1,75,000	1,75,000
Working expenses in charge of Public Works officers—						
Works (extension and improvements).	681	139	1,228	4,000	3,800	11,500
Maintenance and repairs ...	72,505	86,711	1,43,392	1,12,000	1,20,000	93,000
Establishment ...	93,022	68,848	83,201	63,500	63,500	85,000
Other items ...	19,596	15,601	3,264	23,500	37,700	35,500
Total ...	1,85,804	1,71,299	2,31,085	2,03,000	2,25,000	2,25,000
Provincial share (one-half)	92,902	85,650	1,15,543	1,02,000	1,13,000	1,13,000

EXPENDITURE.

Against the budget estimate of Rs. 2,03,000 for 1919-20, the revised estimate for this year has been fixed at Rs. 2,25,000. The small increase in the revised estimate is mainly due to the change in procedure under which provision for tools and plant of the Cossye Division is made under this major head instead of both under Major and Minor Works as under the old system. The estimate for 1920-21 follows the revised estimate for this year and provides for the ordinary requirements of the department.

XXX and 43.—Minor Works and Navigation.

Revenue.

—	Actuals 1916-17.	1917-18	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs	Rs.	Rs.	Rs.	Rs.	Rs.
In charge of the Civil Department—						
Recoveries on account of lands benefited by embankments.	49,879	44,256	49,882	58,000	58,000	62,000
Provincial share (one-half) ...	24,940	22,128	24,941	29,000	29,000	31,000
Total in charge of the Public Works Department.	7,84,497	8,47,392	9,47,975	10,00,000	8,50,000	9,00,000
Provincial share (one half) ...	3,92,248	4,23,696	4,73,988	5,00,000	4,25,000	4,50,000

REVENUE.

The principal sources of revenue under this head are from navigation tolls on the Calcutta and Eastern Canals and the Madaripur Bhil Route. Owing to the scarcity of railway wagons there was an increase in water-borne goods traffic, and, therefore, following the revised estimate for 1918-19, the budget estimate for 1919-20 was fixed at Rs. 10,00,000. The actuals of the last year, however, amounted to Rs. 9,47,975, and in consideration of the actuals of the first nine months of the current year, the revised estimate for this year has been fixed at Rs. 8,50,000. In expectation of a small increase in water borne traffic due to the widening of the Madaripur Bhil Route, the budget estimate for 1920-21 has been placed at Rs. 9,00,000.

Expenditure.

—	Actuals 1916-17.	1917-18.	1918-19	Budget estimate, 1919-20.	Revised estimate, 1919-20	Budget estimate, 1920-21.
	Rs	Rs.	Rs	Rs	Rs	Rs
In charge of Civil Officers ...	1,705	1,579	1,892	2,000	2,000	2,000
Provincial share (one-half) ...	852	790	946	1,000	1,000	1,000
In charge of Public Works Officers—						
Works	6,39,337	5,40,662	10,55,799	18,86,450	14,47,315	22,67,550
Repairs	7,86,349	11,16,808	9,98,912	7,97,930	8,57,811	9,26,800
Establishment ...	4,97,752	5,41,403	4,99,786	6,41,500	5,41,500	7,81,500
Other items	78,981	1,44,264	35,680	1,80,120	1,63,374	1,09,150
Total ...	20,02,419	23,43,137	25,90,177	35,06,000	30,50,000	40,85,000
Provincial share (one-half) ...	10,01,210	11,71,568	12,95,089	17,53,000	15,25,000	20,42,000

EXPENDITURE.

To the original sanctioned estimate of Rs. 35,06,000 for 1919-20, a sum of Rs. 1,94,000 has been added during this year by transfer from the sanitation grant for expenditure on anti-malarial schemes, so that the total amount

available for expenditure under this head stands at Rs. 37,00,000. Considering, however, the actuals of 1918-19, which amounted to Rs. 25,90,177, and the first nine months actuals of the current year, the revised estimate for 1919-20 has been fixed at Rs. 30,50,000. The large saving in the current year is mainly due to the non-utilization of the provisions for drainage projects and for the formation of a new waterways division for the management and development of the inland waterways in the districts of Khulna, Jessore, Faridpur and Bakarganj, owing to the paucity of superior officers. For the continuance of the schemes already undertaken, the budget for 1920-21 provides Rs. 7,00,000 for widening the Madaripur Bhil Route, Rs. 6,50,000 for rebuilding the Kidderpur bridge, Rs 1,00,000 and Rs. 40,000 for mitigating the effects of floods in the Hoorhoora Khal and in the Sagarputal Bakshi Bazar Bund, respectively, Rs. 1,04,602 for the Amirabad, Rs 85,186 for the Pichaboni and Rs 1 lakh for the Bullee Bhil drainage projects. The coming year's estimate also includes a provision of Rs. 16,000 for coal barges, and Rs. 2,00,000 for the construction of two bridges over the Circular Canal. In the hope that officers will be available next year, the provision of Rs. 85,000 has been repeated in the next year's budget for the construction of buildings, in connection with the establishment of a new permanent waterways division at Khulna.

XXXI and 45—Civil Works.

Revenue.

—	Actuals. 1916-17	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20	Budget estimate, 1920-21.
	Rs.	Rs	Rs.	Rs	Rs	Rs
In charge of the Civil Department.	2,90,949	1,38,959	1,39,390	1,69,000	1,45,000	4,45,000
In charge of the Public Works Department.	5,66,507	4,79,016	8,39,669	5,55,000	6,00,000	5,00,000
Total ...	8,57,456	6,17,975	9,79,059	7,24,000	7,45,000	9,45,000

REVENUE.

Civil Works in charge of Civil Officers.—The bulk of the revenue under this head is from tolls. Considering the first nine months' actuals of the current year, the revised estimate has been fixed at Rs. 1,45,000. As a sum of Rs. 3 lakhs is expected next year by the sale of a portion of the land of the Alms House and the building thereon, to the Calcutta Improvement Trust, the budget estimate for 1920-21 has been fixed at Rs. 4,45,000.

Civil Works in charge of the Public Works Department.—Considering the progress of actuals, and the fact that the Corporation of Calcutta have paid the balance of Rs. 55,000 in full satisfaction of the cost of the Kalighat outpost site taken by them, the revised estimate for 1919-20 has been fixed at Rs. 6,00,000. As no special receipt is expected next year, the estimate for the coming year has been placed at Rs. 5,00,000.

Expenditure.

	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Bud estim 1920
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs	Rs	Rs.	Rs.	R
In charge of Civil Officers ...	7 84,342	12,24,603	11,42,123	15,64,000	11,69,000	12,50
In charge of Public Works Officers.	56,55,383	77,95,690	92,34,411	1,13,00,000	1,05,00,000	1,26,7
Total ...	64,39,725	90,20,293	1,03,76,534	1,28,64,000	1,16,69,000	1,39,2

Expenditure.

Civil Works in charge of Civil Officers.—Commissioners of Divisi and Collectors of districts have been empowered, with reference to the rec mendations of the Decentralization Commission, to make discretion grants for general purposes of a public nature calculated to be of benefi their districts. The expenditure so incurred is budgetted for under this h in the first instance, and the actual charges incurred are subseque adjusted to the appropriate heads of accounts. This partly accounts for reduction in the revised estimate, but the main cause is the transfer to the h "21—Ports and Pilotage" of a sum of Rs. 3,25,000 for payment of a gr to the Port Commissioners for the improvement of the port of Chittago

The estimate for the year 1920-21 includes the following:-

	Rs.
Augmentation grant	8,15,000
Grant to the Calcutta Improvement Trust ...	1,50,000
Special grants at the disposal of Divisional Commissioners and Collectors ...	1,52,000

Civil Works in charge of Public Works Department.—The large rec tion in the revised estimate, as compared with the sanctioned estimate the current year, is due to the inability of the department to utilize budget provision in full. In the hope that better progress will be made i year the estimate for 1920-21 has been fixed at Rs. 1,26,74,000. The ta below shows the position:—

	Budget 1919-20	Budget 1920-21
	Rs.	Rs.
Establishment	12,40,000	15,85,000
Tools and plant	50,000	91,000
Stock and suspense	10,000	10,000
Repairs	32,00,000	34,21,000
Works in progress	20,72,000	60,50,000
New works (including minor works) ...	47,28,000	35,17,000
Total ...	1,13,00,000	1,46,74,000
Deduct—Probable savings ...	...	2,00,000
Total ...	1,13,00,000	1,26,74,000

Owing to the inability of the department to work up to the full buc programme this year, larger provision under works in progress has l made in the next year's budget for the completion of works already c menced. This, together with the further provision in the coming ye estimate for new urgent works, necessitates larger provision under "Establ ment and stock and suspense." As a number of buildings have been d aged by the recent cyclone, larger provision has also been made for tl repair in the next year's budget.

TRANSFERS BETWEEN IMPERIAL AND PROVINCIAL REVENUES.

[All adjustments between imperial and provincial funds are recorded on the revenue side of the accounts under the above. Transfers from provincial to imperial (+) and from imperial to provincial (−)].

	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
RECURRING.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Ordinary.						
Fixed adjustment under provincial settlement.	+7,28,000	+7,28,000	+7,28,000	+7,28,000	+7,28,000	+7,28,000
Cost of transmission of records by revised procedure under the Court Fees Act	−6,440	−6,440	−6,440	−6,000	−6,000	−6,000
Pension of Mahamahopadhaya and Shams-ul-Ulama title-holders.	−2,700	−2,700	−2,700	−3,000	−3,000	−3,000
For traffic registration Office, Bhairab Bazar.	−1,250	−1,250	−1,000	−1,000	−1,000	−1,000
For adjustment of recovery claims of charges incurred by the Agent, Government Consignments, not exceeding Rs. 15.	−10,009	−10,800	−8,995	−11,000	−11,000	−11,000
For amalgamation of the office of the Art Section of the Indian Museum with that of the School of Art	−1,190	−1,190	−1,190	−1,000	−1,000	−1,000
For Belgachia Veterinary College	−30,000	−30,000	−30,000	−30,000	−30,000	−30,000
For Indian Deputy Sanitary Commissioners and half pay of Health Officer.	−58,200	−58,200	−58,200	−58,000	−58,000	−58,000
For provincialization of expenditure on account of salaries of officers of the Civil Veterinary Department.	−29,307	−29,307	−29,307	−29,000	−29,000	−29,000
For remission of certain recoveries from local bodies.	−25,881	−25,881	−25,881	−26,000	−26,000	−26,000
Assignment for cost of supply of forms and printing work done for the Bihar and Orissa Government.	...	...	...	...	...	...
For forms, etc., for Assam ...	−1,70,730	−1,33,107	−1,33,330	−1,55,000	−1,34,000	−1,40,000
Assignment for remission of appropriation of cesses.	−24,93,000	−24,93,000	−24,93,000	−24,93,000	−24,93,000	−24,93,000
Law charges for Bihar and Orissa	+15,000	+15,000	+15,000	+15,000	+15,000	+15,000
For premises No. 9, Hare Street	+9,550	+9,550	+9,550	+9,000	+9,000	+9,000
For grants for Collegiate and University expenditure in Bihar and Orissa.	+21,000	+21,000	+21,000	+21,000	+21,000	+21,000
Classification of rewards on confiscation of opium under "7—Excise".	−20,500	−20,500	−20,500	−21,000	−21,000	−21,000
For the increased cost of staff required for the verification of cancelled currency notes.	...	...	...	...	−17,000	−14,000
For the development of evening classes at the mining centres in Bengal and Bihar and Orissa.	...	...	...	...	−10,000	−10,000

	Actuals.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
	Rs.	Rs	Rs.	Rs.	Rs.	Rs.
RECURRING—*continued.*						
Ordinary—*concluded.*						
Contribution to Bihar and Orissa for training of shoals in the Ganges.	+12,500	+12,500	+12,500	+12,000	+12,000	+12,000
Provincialization of the amalgamated establishment employed in the audit of the accounts of local authorities, etc.	-10,850	-19,200	-16,700	-30,000	-18,000	-18,000
In connection with the new scheme of taxation.	+39,00,000	+50,64,000	+53,64,000	+64,50,000	+73,72,000	+94,72,000
For loss in income-tax revenue necessitated by changes in taxation.	...	...	...	-26,25,000	-14,63,000	-6,63,000
For establishment of High Court at Bankipore.	+2,17,468	+1,86,241	+2,22,734	+1,86,000	+2,23,000	+2,23,000
Earmarked.						
Grants to Church Mission Society College, Calcutta.	-6,000	-6,000	-6,000	-6,000	-6,000	-6,000
For aided English Secondary Schools	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000
Improvement of female education	-30,000	-30,000	-30,000	-30,000	-30,000	-30,000
For popular education ...	-9,25,000	-9,25,000	-9,25,000	-9,25,000	-9,25,000	-9,25,000
For University Reform ...	-65,000	-65,000	-65,000	-65,000	-65,000	-65,000
Grants for education ...	-13,20,000	-13,20,000	-13,20,000	-13,20,000	-13,20,000	-13,20,000
Further grant for education ...	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000
For extension of education to poorer classes of the domiciled community, Calcutta.	-40,000	-40,000	-40,000	-40,000	-40,000	-40,000
Grants to the Dacca University...	-45,000	-45,000	-45,000	-45,000	-45,000	-45,000
Grants to the Calcutta Improvement Trust.	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000
Assignments for sanitary improvements.	-5,00,000	-5,00,000	-5,00,000	-5,00,000	-5,00,000	-5,00,000
For improvement of pay and training of teachers	...	-9,00,000	-9,00,000	-9,00,000	-9,00,000	-9,00,000
For primary education ...	...	...	-5,50,000	-5,50,000	-5,50,000	-5,50,000
Assignment for adjustment of erroneous credit of the collections in Government estates under "Ordinary collections" in 1914-15 and 1915-16.	-1,65,722	...	...	...	...	...
NON-RECURRING.						
Ordinary.						
Contribution from Bihar and Orissa in connection with fishery experiments.	...	-2,457	-4,260	-3,000	-3,000	-9,000
Contribution to the Chittagong Port for five years from 1913-14.	-75,000	-75,000	-75,000	-4,00,000	-4,00,000	...

—	Actuals. 1916-17.	1917-18.	1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs
NON-RECURRING—*concluded*						
Ordinary—*concld.*						
For the Passage Control Committee.	...	...	-4,513	...	...	...
For the Employment and Labour Board.	...	...	-4,513	...	-32,000	...
Earmarked.						
Assignment for famine relief scheme.	-60,000	...	...	...	...	...
In connection with the scientific research by Dr. J. C. Bose.	-31,600	34,225	-37,900	-38,000	-1,38,000	-38,000
For the investigation of the water resource of India	...	...	...	...	-18,000	...
Grants to the Dacca University	-1,00,000	-1,00,000	-1,00,000	...	...	...
For water-supply in Midnapore	...	-1,00,000	...	...	...	...
For maintenance charges of European lunatics from Bengal in the Ranchi Lunatic Asylum.	...	...	...	...	+1,22,000	+61,000
For the Ranchi Lunatic Asylum	..	+1,58,714	+2,61,927	+2,37,000	+1,97,000	+7,58,000
For the Bengal Publicity Board	...	...	-50,924	...	-8,000	...
For the Director of Civil Supplies, Bengal	...	...	-47,627	-50,000	-67,000	-10,000
For anti malarial works ...	...	+35,000	+95,000	...	+97,000	...
For a State scholarship to Mr. H. K. Banerjee	...	...	-772	...	-1,000	...
For the removal of the disparity in the treatment of lascars.	...	...	...	...	-49,000	...
For the purchase of Dredger "Pelican" for the port of Chittagong.	...	...	...	...	-8,00,000	...
For revised system of apportionment of the Railway Police charges between Government and Railways	...	...	...	...	-76,000	-76,000
In connection with improvements and repairs to Belvedere and duty and conveyance allowance of Mr. Coryton.	...	...	-1,10,478	...	-1,000	-2,000
In connection with the investigation of the fibre resources of India by the Bengal Fibre Expert.	...	...	...	-6,000	-6,000	-7,000
Expenditure on agricultural education.	...	...	-1,80,000	...	-75,000	...
Loss in exchange for the purchase of quinine at Java	...	...	-1,75,000	...	...	...
Total transfers between imperial and provincial revenues.	-17,69,861	-11,94,252	-17,16,730	-31,59,000	-20,30,000	+28,02,000

TRANSFERS.

As no income-tax is leviable on the amount on which the Excess Profits Tax is assessed, the original estimate provided for an assignment of Rs. 19,75,000 payable by the Government of India, as compensation, to this Government on account of the loss of income-tax, at the rate of 6 pies for he rupee, on the sum of Rs. 6,25,00,000 estimated as theExcess Profits ax this year. As, however, the total yield on account of the enhanced rates f taxation is appropriated by the Government of India in full, this Government cannot claim compensation at a higher rate than 2½ pies for the rupee, n Rs. 6,25,00,000 and a sum of Rs. 8,13,000 only, has therefore been entered n the revised estimate as compensation payable by the Government of India o this Government. A sum of Rs. 2,37,000 was provided as a contribution o the Bihar and Orissa Government for the construction of the Ranchi unatic Asylum for Indians. In the revised estimate only Rs. 1,97,000 has een provided for the purpose as estimated by that Government. In accordnce with the instructions received from the Government of India, a provision f Rs. 1,22,000 has also been made in the revised estimate as the share payable y this Government to the Government of Bihar and Orissa, of the cost of the pkeep of the European lunatics sent by this Government to the Ranchi unatic Asylum. These items account mainly for the reduction in the revised stimate for the current year, as compared with the sanctioned estimate or 1919-20. The fall would have been larger but for some additional rants given by the Government of India, of which the following are the ost important:—

	Rs.
For the payment of a grant to the Port Commissioners, Chittagong, for the purchase of a dredger	8,00,000
Grant to Sir J. C. Bose for scientific research	1,00,000
Grant for agricultural education ...	75,000
Transfer from Imperial as India's share for anti-malarial irrigation schemes ...	97,000

The budget estimate for 1920-21 shows a plus entry of Rs. 28,02,000 gainst a minus entry of Rs. 20,30,000 in the revised estimate for the current ear. This is due to the fact that in view of the very large increase expected n income-tax revenue next year, this Government will have to pay a arger assignment to the Government of India in connection with the new heme of taxation, whereas, owing to the abolition of the Excess Profits ax, no compensation will be payable by the Government of India to this overnment in the coming year. These, together with the fact that no special rants are expected in 1920-21, result in the payment by this Government to e Imperial Exchequer of a sum of Rs. 28,02,000 next year.

A. MARR,

Secy. to the Govt. of Bengal, Financial Dept.

he 27th March 1920.

APPENDIX A.

List of Public Works Department New Works for 1920-21.

45.—Civil Works—Public Works Department.

	Rs.
Research tannery building	40,000
Survey office building	2,00,000
Pabna-Bogra Settlement	60,000
Sub-Registry office, Hasnabad	12,700
Additions and alterations to Fenwick Bazar Police building to convert it into an office for the new Traffic Department	60,000
Reconstruction of Police buildings destroyed by cyclone	5,00,000
Buildings for Dacca University	4,55,000
For a Muhammadan College in Calcutta	50,000
Temporary barracks, Dacca Lunatic Asylum	7,350
Bathrooms, etc., Swarnomayi hostel	16,000
Construction of outhouses, at 3 Lee Road for the Nursing Superintendent, Sambhu Nath Pandit Hospital ...	6,500
Land acquisition for servant's quarters, Medical College	3,00,000
Replacing gear of the electric passenger lift in Government House, Calcutta	12,000
Acquisition of land at Asansol for the development of the civil station	80,000
Acquisition of land at Noakhali in view of the erosion of that town	2,00,000
New Council Chamber	75,000
Improvement of the Bethune College	50,000
For the Calcutta Technical School	2,00,000
For the Civil Engineering College extension at Sibpur ...	2,00,000
For the Chittagong Collegiate School building ...	75,000
For the construction of two pavilions for the accommodation of surgical patients at the Campbell Hospital ...	1,16,000
For the installation of electric fans in the Baker and Fraser wards of the Campbell Hospital	26,000
For the land acquisition in connection with the hostel for the Medical College	2,75,000
Total ...	30,16,550
For rounding	+450
	30,17,000
For minor works grant	5,00,000
Net Total ...	35,17,000

Obligatory schemes which have been provided for in the Budget.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring	Total.	Non-recurring.	Recurring.	Total	
1	2	3	4	5	6	7	8	9
3.—Land Revenue.		Rs.	Rs	Rs.	Rs.	Rs	Rs.	
Survey and Settlement.	1. Share of the cost of Survey and Settlement operations in the district of Bakarganj.	2,96,046	...	2,96,046	2,96,046	...	2,96,046	
Charges of District Administration.	2. Resumption of land in connection with development of Kalimpong as a hill station.	5,00,000	Nil	5,00,000	2,50,000	Nil	2,50,000	The scheme was sanctioned in 1918-19 and Rs. 2,50,000 provided. The balance of Rs. 2,50,000 is for the completion of the scheme.
	3. Entertainment of a poddar	...	84	84	...	84	84	This is for the Comilla Treasury where the work has become too heavy for 2 poddars, and an additional poddar on Rs. 7 per mensem is absolutely necessary.
	4. Appointment of a third Land Acquisition Officer, Calcutta, and his establishment, etc.	...	43,390	43,390	...	43,390	43,390	The Government of India have already sanctioned the creation of the post of the Land Acquisition Officer for one year for the present. The details are— Land Acquisition Officer (1,000 + conveyance allowance 100) ... ... Rs. 13,200; Establishment (1,112) ... ... 13,344; Contingencies ... ... 16,846; Total ... 43,390
	Deduct—Recoveries from the Calcutta Improvement Trust.	...	32,459	32,459	...	32,459	32,459	
		...	10,931	10,931		[illegible]	[illegible]	

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
3.—Land Revenue—*concld.*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	5. Revision of salary of Indian Civil Service and Provincial Civil Service officers in accordance with the recommendations of the Public Services Commission.	...	10,53,000	10,53,000	...	10,53,000	10,53,000	For Indian Civil Service ... ... 4,63,000 For Provincial Civil Service ... ... 5,90,000 Total ... 10,53,000
Land Records ...	6. For correction of land registration registers, Midnapore, in accordance with settlement records.	10,000	...	10,000	10,000	...	10,000	Temporary establishment ... ... 6,000 Contingencies ... ... 4,000 Total ... 10,000
	Total ...	8,06,046	10,64,015	18,70,061	5,56,046	10,64,015	16,20,061	
7.—Excise.								
District Establishment	1. Entertainment of additional establishment at Asansol for the introduction of the fixed fee system of licensing *vachwai* shops.	...	12,420	12,420	...	12,420	12,420	Rs. 1 Inspector ... ... 150 per mensem. 1 Do. ... ... 125 ,, 1 Do. ... ... 100 ,, 22 Petty officers (20 each) ... 440 ,, Fixed travelling allowance for petty officers (10 each) ... 220 ,, 1,035 × 12 = 12,420
	2. Employment of female preventive officers to detect smuggling of excisable articles by women employed by smugglers.	2,880	...	2,880	2,880	...	2,880	The following staff was employed temporarily for one year as an experimental measure and it is proposed to continue the staff :— Rs. 4 officers (50 each) ... ... 200 4 peons (10 each) 40

	the conveyance allowance to one of the Inspectors attached to the Russa Distillery.						attached to the Russa Distillery at Rs. 20 per mensem ... 20 220 × 12 = 2,640
4.	Employment of an excise staff to supervise the salt factory at Contai.	4,925	...	4,925	4,925	...	4,925	Following staff is required for the supervision of the salt factory at Contai, Midnapore, for the opening of which license has been granted :— Rs. 1 Inspector ... ... 100 Local allowance ... ... 50 2 Sub-Inspectors (50 each) ... 100 1 Petty officer ... ... 12 1 Peon ... ... 12 3 Peons (11 each) ... 33 6 Peons (10 each) ... 60 367 × 12 = 4,404 Local allowance ... 521 4,925 The Sub-Inspectors and petty officer and peons will get local allowance at 20 per cent. of their pay.
5.	Employment of a clerk at Midnapore.	300	...	300	300	...	300	An additional clerk on Rs. 25 per mensem was sanctioned for six months for the Excise Department of the Midnapore Collectorate on account of increase of work. The Excise Commissioner proposes to retain him for next year.
6.	Special preventive staff to deal with smuggling by rail and river.	5,676	...	5,676	5,676	...	5,676	This scheme has already been sanctioned.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring	Total	Non-recurring	Recurring	Total	
1	2	3	4	5	6	7	8	9
10.—Income-tax.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Calcutta establishment.	Additional establishment in the office of the Collector of Income-tax.	...	6,660	6,660	...	6,660	6,660	The following additional establishment has been sanctioned to cope with the increased work in connection with the new Income-tax Act :— Rs. 3 Examiners of Accounts (75—15—150) ... ... 2,700 1 Nagri interpreter (60) ... 720 1 Clerk (100) ... ... 1,200 1 Do. (90) ... ... 1,080 1 Do. (80) ... ... 960 Total ... 6,660
	Provincial share ...	...	3,330	3,330	...	3,330	3,330	
11.—Forests.								
Conservancy and Works	1. Compilation of working plans for Chittagong and Chittagong Hill Tracts.	1,06,200	...	1,06,200	36,100	...	36,100	This has been sanctioned and a Divisional Forest Officer has been placed in charge of the work. The details for 1920-21 are— Rs. Stores, tools, etc. ... ... 200 Working plans ... ... 34,700 Allowances ... ... 800 Stationery ... ... 400 Total ... 36,100
	2 Purchase of barbed-wire and sheep netting.	39,000	...	39,000	39,000	...	39,000	The details are— Rs. For Kurseong Division ... 10,000 " Jalpaiguri " ... 8,000 " Buxa " ... 21,000

		Bazar Division.						
Establishments ...	5.	Recruitment of officers for service in the Forest Department.	47,420	...	47,420	30,000	...	30,000	In accordance with the orders of the Government of India it has been decided to recruit five officers and to employ them in different capacities as general assistants to Divisional Forest Officers. The pay of the posts should not be more than Rs. 800 per mensem each and the appointments would be temporary for two years.
	6.	Re-organization of the Subordinate Forest Service.	...	50,000	50,000	..	50,000	50,000	The Conservator has submitted proposals involving an expenditure of Rs 60,000. The scheme is being considered and pending final examination by Government, a lump provision of Rs. 50,000 has been made.
	7.	Contribution payable to the Buxa Timber Trading Company for supply of water to officers of the Forest Department at Rajabhatkhawa.	4,500	...	4,500	4,500	...	4,500	The contribution at Rs. 300 per mensem is payable from December 1919.
	8.	Appointment of an Extra Assistant Conservator of Forests.	...	3,000	3,000	...	3,000	3,000	The Secretary of State has already sanctioned the appointment of seven officers and effect is being given gradually. In 1919-20 provision was made for two officers. It is now proposed to appoint one more officer in 1920-21.
	9.	Revision of salary of the Imperial Forest Service officers.	...	1,08,600	1,08,600	...	30,600	30,600	This has been sanctioned by the Secretary of State already and effect has been given
		Total ...	2,07,120	1,79,600	3,86,720	1,19,600	1,01,600	2,21,200	

	Ultimate.	1920-21.
	Rs.	Rs.
Proposed scale ...	2,35,200	1,57,200
Budget provision ...	1,26,600	1,26,600
Total net increase ...	1,08,600	30,600

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total	Non-recurring.	Recurring	Total.	
1	2	3	4	5	6	7	8	9
		Rs.	Rs.	Rs.	Rs	Rs.	Rs.	
12.—Registration.								
District charges ...	1. Appointment of a special Inspector of Muhammadan Marriage Registration offices in Bengal.	...	3,000	3,000	...	2,400	2,400	The necessity for the appointment of a special staff for the inspection of Muhammadan Marriage Registration offices has been urged since 1915. Sanction was accorded in September 1919 to the creation of an additional appointment in the cadre of District Sub-Registrars for employment as special Inspector of Muhammadan Marriage Registration offices. His duties are :— (1) Investigation of the cause of a small number of registrations in offices. (2) Investigation of the possibilities of increasing the number of offices. (3) Special enquiries. (4) Inspections incidentally with a view to check malpractices.
	2. Revision of salary of officers in accordance with the recommendations of the Public Services Commission.	...	23,000	23,000	...	23,000	23,000	
	3. Re-organization of the Registration Department	...	42 300	42,300	...	42,300	42,300	In April 1918 the Secretary of State sanctioned the following revision of the cadre of the Sub-Registrars with a view to secure an even flow of promotion throughout the four grades into which Sub-Registrars are distributed at present, on the understanding that effect should not be given to the scheme till the financial situation improved and the necessary provision could be made in the budget :— I Rs. 150 ... 20 per cent. of the total number of appointments. II „ 125 ... 30 „ ditto. III „ 100 .. 34 „ ditto. IV „ 75 ... 16 „ ditto.

							trars and the District Officers concerned have been relieved of all their legal and routine duties connected with registration. These District Registrars receive a duty allowance of Rs. 100 per mensem in addition to their grade pay as District Sub-Registrars. It is proposed to make a provision for four additional duty allowances of Rs. 100 each with a view to the extension of the system to four more districts.
5.	Revision of the strength and pay of the ministerial establishment of district headquarters and rural Registration Offices in Bengal.	...	1,38,313	1,38,313	..	90,339	90,339	The scheme was sanctioned by the Secretary of State in 1916 but effect could not be given on account of financial stringency. To give partial relief a sum of Rs. 48,012 was provided in the budget for 1919-20. An increase of 20 per cent. on the pay of the ministerial staff in sadar and mufassal offices has been given at a cost of Rs. 47,974. To give full effect to the scheme a further sum of Rs 90,339 per annum will be necessary. The details of the scheme are— (i) Revision of establishment in the headquarters offices on the basis of actual requirements so as to increase the total strength and the rates of pay. (ii) Raising the pay of the clerks and muharrirs employed in the headquarters joint offices from Rs. 20 and Rs. 15 to Rs 30 and Rs. 25 per mensem, respectively. (iii) Enhancement of pay of clerks and muharrirs employed in the mufassal Registration offices from Rs. 20 and Rs. 15 to Rs. 25 and Rs. 20 per mensem, respectively. (iv) Payment to temporary muharrirs employed in Registration offices at Rs. 20 instead of at Rs. 15. (v) Employment of paid probationers on Rs. 10 per mensem, the sanctioned number for each district being fixed at 8 per cent. of the total permanent establishment in it.
6.	Raising the pay of probationers	...	2,160	2,160	...	2,160	2,160	In the re-organization of the cadre of Sub-Registrars sanctioned by the Secretary of State in April 1918, the existing rate of pay of probationers which is Rs. 30 per mensem remains unaltered. Government have sanctioned the raising of the pay of 18 probationers to Rs. 40 as the existing rate is now inadequate for a recruit of the right stamp on the understanding that effect should not be given till budget provision could be made. Extra Cost = Rs. (40—30) × 18 × 12 = 2,160.
	Total ...	...	2,13,572	2,13,572		[illegible]	[illegible]	

provision has been made.	Nature of scheme.	Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	REMARKS.
1	2	3	4	5	6	7	8	9
18.—GENERAL ADMINISTRATION.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Staff and Household of Governor.	1. Revision of office establishment of the Military Secretary to Governor and Private Secretary to Governor.	...	5,000	5,000	...	5,000	5,000	Sanction of the Government of India to the revision has already been applied for.
Tour expenses ...	2. Construction of a new metre-gauge bogie saloon for the use of His Excellency the Governor.	61,767	..	61,767	61,767	...	61,767	This is to replace the present saloon, which is very old and uncomfortable, by a new metre-gauge bogie saloon. In the current year's budget Rs. 35,000 was provided, but no expenditure will be incurred in 1919-20. The Loco. and Car. Superintendent, Eastern Bengal Railway, has estimated the cost of the saloon at Rs. 61,767.
Legislative Department	3. Temporary establishment in connection with the revision of the Bengal Local Statutory rules and orders.	3,240	...	3,240	3,240	...	3,240	Rs. 1 Clerk ... ... 150 per mensem. 1 Do. ... ... 80 ,, 1 Typist ... ... 40 ,, 270 × 12 = 3,240
	4. Repairs of Council Room furniture in Government House, Calcutta.	5,000	...	5,000	5,000	...	5,000	

Board of Revenue ...	6	Re-organization of the office establishment.	...	11,458	11,458	...	9,288	9,288	The re-organisation has already been sanctioned.
		Total ...	70,007	30,458	1,00,465	70,007	28,288	98,295	
19A.—Law and Justice—Courts of Law									
High Court ..	1.	Appointment of an Additional Judge for the High Court, Calcutta, and his establishment.	...	52,788	52,788	...	52,788	52,788	In the budget for 1919-20 a provision has been made for an Additional Judge and his establishment for four months. But the Secretary of State has since sanctioned the retention of his services till a vacancy occurs among non-Civilian Judges. Rs. Salary of the Judge (Rs. 4,000) × 12 ... 48,000 Establishment (Rs. 399) × 12 ... 4,788 52,788
	2.	Appointment of a librarian, Appellate Side, High Court.	...	2,400	2,400	...	1,800	1,800	The post of a librarian on Rs. 150—10—200 per mensem has been sanctioned by the Government of India.
Law officers ...	3.	Employment of Counsel for the defence of persons accused of offences punishable with death	...	1,500	1,500	...	1,500	1,500	Under existing system Counsels are provided at the expense of Government for defence of paupers accused of murder at the trial. The Government of India desire that rules should be framed to secure the benefit of Counsel to persons accused of offences punishable with death in other cases also.
Presidency Magistrates' Court	4.	Appointment of an additional interpreter in the Central Police Court, Calcutta.	...	1,200	1,200	...	1,200	1,200	An Interpreter on Rs. 100 per mensem has been appointed for the special Bench constituted for trial of cases under the Motor Vehicles Act.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
19A.—Law and Justice—Courts of Law—*concld.*		Rs	Rs.	Rs.	Rs.	Rs	Rs.	
Presidency Magistrate's Court—*concld.*	5. Appointment of two additional Bench clerks for the Honorary Presidency Magistrates, Calcutta.	...	960	960	...	960	960	The proposal is being sanctioned at present for one year.
Civil and Sessions Courts.	6. Appointment of a Shorthand-typist and Sessions Clerk for the District Judge Murshidabad.	...	300	300	...	300	300	A post on Rs. 60 per mensem has been sanctioned in place of a typist on Rs. 35 per mensem, with effect from 1st April 1919.
	7. Additional menial establishment for Civil Courts, Burdwan.	...	1,512	1,512	...	1,512	1,512	Fourteen additional peons have been sanctioned at the usual rates of pay.
	8. Appointment of a stenographer for the District Judge's office, Tippera	...	720	720	...	720	720	A stenographer on Rs. 60 per mensem has been sanctioned.
	9. Appointment of a combined Sessions clerk and stenographer for the District Judge's office, Nadia	...	600	600	...	600	600	A post on Rs. 90 has been created and a clerk on Rs. 40 in the District Judge's office has been appointed to it and his post abolished.
	10. Increase of pay of the shorthand-clerk, District Judge's office, Midnapur.	...	240	240	...	240	240	The pay has been raised from Rs. 40 to Rs. 60 per mensem.

19B.—Law and Justice—Jails.								
Jails ...	1. Increase of pay of Factory Staff of Central Jails.	...	4,596	4,596	...	2,436	2,436	The scheme has already been sanctioned from 5th September 1919.
	2 Increase of pay of Deputy Superintendent, Dacca Central Jail, from Rs. 250—10—350 to Rs. 350—25—500.	...	5,376	5,376	...	3,852	3,852	It is a sanctioned scheme.
	3. Increase of pay of the Superintendent, Juvenile Jail, at Rs. 50 per mensem.	...	600	600	...	600	600	Ditto.
	4 Increase of pay of European Warders	...	3,000	3,000	...	2,220	2,220	The scheme has already been sanctioned
	5. Increase of pay of a European Matron from Rs. 50—2—60 to Rs 60—2—80 in the Presidency Jail.	..	210	210	...	24	24	Ditto ditto.
	6. Drill allowance of a Warder, Juvenile Jail, Alipore, at Rs. 5 per mensem.	...	60	60	...	60	60	Ditto ditto.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks
		Non-recurring.	Recurring.	Total	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
		Rs.	Rs	Rs.	Rs	Rs.	Rs.	
19B.—Law and Justice—Jails—*concld.*								
Jails—*concld.*	7. Personal allowance at Rs. 8 per mensem to the draftsman, Presidency Jail	...	96	96	...	96	96	Already sanctioned.
	8 Revision of Jailors' establishment.	...	50,000	50,000	...	50,000	50,000	
Jail manufactures ...	9. Increase of house-rent of Jail Depôt.	...	120	120	...	120	120	Sanctioned.
	Total ...	...	64,058	64,058	...	59,408	59,408	
20.—Police.								
Presidency Police ...	1. Creation of a public vehicles department.	1,908	76,000	77,908	...	76,000	76,000	Government have sanctioned the creation of a public vehicles department comprising two branches, motor vehicles and hackney carriages, with a combined staff—

	Rs.	A.
1 Deputy Commissioner (1,250) ...	15,000	0
2 Assistant Commissioners (1,050) ...	12,600	0
2 Inspectors (500)	6,000	0
5 Sub-Inspectors (830)	9,960	0
7 Head-constables (142)	1,704	0
20 Constables (290)	3,480	0
Contingencies	4,214	6
Maintenance of clothing	290	0
Ministerial and menial staff (813) ...	9,756	0
Accommodation (1,380)	16,560	0
	79,564	6

						Painting and repairs ... 800 Total ... 36,263
3. Revision of pay of jamadar attached to the Commissioner of Police.	...	36	36	...	36	36	The pay has been raised from Rs 12 to Rs. 12—1—15 and the present incumbent has been allowed to draw the maximum.
4. Revision of pay of firemen and greasers of steam launches.	...	144	144	...	144	144	The pay of four men has been raised from Rs. 17 to Rs. 20 per mensem each
5. Revision of pay of pound muharrirs.	...	48	48	...	48	48	The pay was originally fixed at Rs. 12 a month rising to Rs. 15 after five years and Rs 17½ after ten years. The pay has been raised and fixed at Rs. 15—1—25 and the senior muharrir allowed to draw pay at the 20 rupees stage of the revised progressive pay.
6. Increase of allowance of the mistri for electric pump for Barabazar police-section.	...	12	12	...	12	12	The allowance of Rs. 3 has been raised to Rs. 4 per mensem.
7. Additional staff for Kasi Mitter burning ghât.	90	598	688	...	539	539	Three additional constables have been sanctioned :— Rs. 3 Constables (39) ... ... 468 Contingencies ... ... 47 Maintenance of clothing ... ... 24 Total ... 539
8. Free passage to England for discharged sergeants.	2,000	...	2,000	2,000	...	2,000	The Government of India have sanctioned the proposal to give a guarantee that men who are discharged from the Army in India in connection with the demobilization of the British Army now serving in India and Mesopotamia, and are enlisted as European Sergeants of the Calcutta Police, shall receive a passage to England in the event of their being discharged within two years of enlistment in the police service, excepting those who voluntarily resign their appointments. The provision of Rs. 2,000 represents approximately pa-sage money for three officers.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
20.—Police—*contd.*		Rs.	Rs.	Rs.	Rs	Rs.	Rs.	
Presidency Police—*concld.*	9. Appointment of an Indian mechanic and a cleaner for motor cycles and bicycles	..	1,527	1 527	...	1,344	1,344	This has been sanctioned :— Rs. 1 Mechanic (100—$\frac{1}{2}$—125) ... ... 1,200 1 Cleaner (12) ... ... 144 Total ... 1,344
	10. Entertainment of 13 additional constables for the Port Commissioners' Docks at Kidderpore.	390	2,622	3,012	390	2,622	3,012	13 Constables (13—16) ... ... 2,262 Contingencies ... ... 226 Maintenance of kit ... ... 134 2,622 First kit ... ... 390 Total ... 3,012 $\frac{15}{16}$ (Rs. 2,108) will be payable by the Port Commissioners.
	11. Contribution to the District Charitable Society for a new Alms House.	5,00,000	...	5,00,000	5,00,000	...	5,00,000	
	12 Extra establishment for the licensing of arms under the new Arms Act.		50,000	50,000	...	50,000	50,000	
	13. Photographs of drivers of hackney carriages, bearers of rickshaws and palanquins.	5,000	...	5,000	5,000	...	5,000	The provision is necessary in accordance with sections 2 and 17 of the bye-laws of the Calcutta Hackney Carriage Act, 1919, requiring that photographs of the drivers should be attached to their respective licenses.
	14. Supply of boots and *munda* shoes to head-	...	30,000	30,000	...	30,000	30,000	

	district of Noakhali.						
3	Employment of a detective staff in Railway and River Police in Bengal.	...	9,154	9,154 (a)	...	7,497	7,497 (b)

1 Sub Inspector, 3rd grade ... 70 0
1 Head-constable, 1st grade ... 22 8
1 Ditto, 3rd grade ... 17 8
19 Constables of the armed branch at an average pay of Rs. 12-8 each ... 237 8

Total ... 347 8 per month.
or 4,170 0 per annum.

The balance is for local allowance, conveyance allowance and contingencies.

The non-recurring charge has been incurred already.

Following staff has been sanctioned :—

	(a) Rs	A.	P.	(b) Rs.	A.	P.
3 Inspectors	450	0	0	450	0	0
22 Sub-Inspectors ...	1,620	0	0	1,620	0	0
12 Head-constables ...	227	8	0	227	8	0
78 Constables... ...	897	0	0	780	0	0
Total ...	3,194	8	0	3,077	8	0
Travelling allowance, contingencies, local allowance and house rent ...	1,286	0	1	1,264	15	2
	4,480	8	1	4,342	7	2
			×12			×12
	= 53,766	1	0	52,109	6	0
Maintenance of clothing, accoutrements, etc....	834	5	6	834	5	6
Total ..	54,600	6	6	52,943	11	6
Deduct savings caused by the abolition of the following force :— 4 Head-constables ... 261 Constables with contingencies, local allowance, maintenance of clothing and accoutrements.	45,446	2	0	45,446	2	0
Total ...	9,154	4	6	7,497	9	6

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring	Total.	
1	2	3	4	5	6	7	8	9
20.—Police—*contd.*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
District Executive Force—*contd.*	4. Strengthening the cadre of Sub-Inspectors to replace probationers under practical training.	...	1,29,120	1,29,120	...	1,29,120	1,29,120	The proposal is under consideration. The sanction of the Government of India will be necessary. The details are— Rs. 120 Sub-Inspectors Rs. (50) ... 72,000 14 Ditto ,, (25) for 9 months ... ... 3,150 14 Sub-Inspectors Rs. (50) for 3 months ... ... 2,100 Conveyance allowance of 120 Sub-Inspectors at Rs. 20 each for 12 months and 14 Sub-Inspectors for 3 months ... ... 29,640 House-rent of 120 Sub-Inspectors at Rs. 15 each for 12 months and 14 Sub-Inspectors for 3 months ... 22,230 1,29,120
	5. Appointment of two pandits to teach Bengali to the Assistant Superintendents in the Police Training College, Sarda.	...	1,800	1,800	...	1,800	1,800	The proposal is to appoint two pandits on Rs. 75 each per month.

							 344
							Total (a)3,648 3,308(b)
							Non-recurring—
							Rs. A.
							First kit 360 0
							Accoutrements 36 0
							Taktaposhes 108 0
							Mosquito nets 103 8
							Bonus 153 0
							Beacon lamps 54 8
							Construction of two rest-houses and one guard house 720 0
							Total ... 1,535 0
8.	Police arrangements on the Howrah-Amta and Howrah-Sheakhala Light Railways.	296	(a) 1,261	1,557	...	1,105	(b) 1,105 The staff has already been entertained. The details are :—

	Rs.	A.	P.	Rs.	A.	P.
7 Constables ...	966	0	0	966	0	0
Town allowance ...	24	0	0	24	0	0
Traveling allowance ...	77	4	5	77	4	5
Contribution for leave and pension of six constables deputed to the railway ...	155	4	0	...		
Maintenance of clothing and accoutrements ...	38	8	0	38	8	0
Total ...	(a) 1,261	0	5	(b) 1,105	12	5

Non-recurring—

	Rs.	A.
First kit	140	0
Accoutrements	14	0
Taktaposhes	42	0
Mosquito nets	40	4
Bonus	59	8
Total ...	295	12

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring	Total	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
20.—Police—*contd.*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
District Executive Force—*contd.*	9. Entertainment of a third armourer constable for the district of Faridpur.	40	192	232	...	167	167	The armourer constable has already been entertained.
	10. Entertainment of an extra staff for employment in the station boat attached to Pathargatta police-station in the district of Bakarganj.	211	(*a*) 1,833	2,044	...	1,748	(*b*) 1,748	The extra staff has already been employed. The details are—

	Rs. A. P.	Rs. A. P.
1 Head-constable ...	22 8 0	22 8 0
4 Constables ...	46 0 0	40 0 0
	68 8 0	62 8 0
	× 12	× 12
	=822 0 0	750 0 0
Hire of boat ...	780 0 0	780 0 0
Travelling allowance, contingencies, maintenance of clothing, etc.	231 7 4	218 8 0
Total ...	(*a*) 1,833 7 4	(*b*) 1,748 8 0
Non-recurring—		
First kit	...	100 0 0
Accoutrements ...	...	10 0 0

24-Parganas							from Rs. 60 to Rs. 70 ... 10 1 Assistant Accountant ... 50 1 Clerk ... ... 40 1 Typist ... ... 30 Total ... 130 × 12 = 1,560 This is already in force.
13. Grant of conveyance allowance to two head-constables in charge of frontier patrol posts in Darjeeling.	...	240	240	...	240	240	The allowance of Rs. 10 per mensem to each of the two head-constables in charge of Kumai and Padong frontier patrol posts has been sanctioned already.
14. Revision of the scale of crew of police launches and their rates of pay.	...	2,624	2,624	...	2,624	2,624	This is in accordance with the general scheme of revision sanctioned by the Marine Department.
15. Increase in the pay of firemen and greasers attached to River Police thana launches.	...	1,440	1,440	...	1,440	1,440	Has already been sanctioned.
16. Installation of telephones at Chinsurah, Serampore and Bhadreswar police-stations in Hooghly.	..	1,750	1,750	...	1,750	1,750	Ditto.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
20.—Police—*concld.*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
District Executive Force—*concld.*	17. Appointment of an Additional Superintendent of Police for Asansol, in the district of Burdwan.	...	27,401	(*a*) 27,401	...	18,863	(*b*) 18,863	The scheme has been submitted to the Government of India but in view of the urgency, an Additional Superintendent has been temporarily posted for six months. The details are—

	Rs. A.	Rs. A.
Pay of two superior appointments to be added to the cadre	1,650 0	950 0
1 Sub-Inspector ...	70 0	70 0
7 Constables	80 8	70 0
Conveyance allowance ...	20 0	20 0
Clerical and menial establishment	130 0	129 0
	1,950 8	1,239 0
Deduct pay of the writer constable for the Subdivisional Police Officer at Asansol ...	17 8	17 8
	1,933 0	1,221 8
	× 12	× 12
	= 23,196 0	14,658 0
Travelling allowance and house-rent	2,316 0	2,316 0
Clothing, accoutrements, etc. ...	53 8	53 8
Contingencies	1,836 0	1,836 0
Total ...	(*a*) 27,401 8	(*b*) 18,863 8

	20. Appointment of an Assistant Principal for the Police Training College, Sarda.	...	19,200	19,200	...	8,100	8,100	The Government of India have been moved to sanction the scheme. The pay of two appointments (one in the senior and another in the junior scale) is to be added. The budget provides cost for 9 months, calculating pay at the minimum rate
	21. Grant of restitutional personal allowance to the two coal trimmers of the S. L. *Nancy* and Serang of the S. L. *Warden* of Dacca.	...	180	180	...	180	180	An allowance of Rs. 5 per mensem has been sanctioned for each.
	22 Purchase of copies of Major Chamney's Manual for the instruction of constables in their duties.	9,000	...	9,000	9,000	...	9,000	
	23. For replacement of the launch *Helen Henry* of the River Police.	27,000	...	27,000	27,000	...	27,000	
Special Police ...	24. Introduction of incremental scale of pay in the office of the Commandant, Dacca Military Police Battalion.	...	1,260	1,260	...	495	495	Following revised scale of pay has been sanctioned :—

		Proposed. Rs.	Present. Rs.
1 Head Clerk	...	80—4—100	80—4—100
1 Accountant	...	60—3—75	60
2 Clerks	...	50—2—60 each	50 each.
2 Do.	...	40—2—50 ,,	40 ,,

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
20.—Police—*concld.*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Special Police—*concld.*	25. Purchase of two Lewis guns for the Dacca Military Police.	3,579	828	4,407	3,579	828	4,407	This has been sanctioned. The details are— Rs. A. 2 Lewis guns (Rs. 1,265 each) ... 2,530 0 Reserve ammunition, 15,200 rounds at Rs. 69 per thousand rounds ... 1,048 13 Total ... 3,578 13 Ammunition practice, 12,000 rounds per annum at Rs. 69 per thousand rounds 828 0
Criminal Investigation Department.	26. Entertainment of three Sub-Inspectors for employment in the finger-print bureau in the Criminal Investigation Department.	...	4,752	4,752	..	4,752	4,752	The following staff has been entertained already :— Rs. 1 Sub-Inspector, 2nd grade ... ... 80 1 Ditto 3rd grade ... ... 70 1 Ditto 4th grade ... ... 60 House allowance (Rs. 20 each) ... ... 60 Duty allowance (Rs. 30 each) .. ... 90 360 × 12 = 4,320 Contingencies ... ... 432 Total 4,752

								The details of the cost are—
								Rs. 8 Engineers (50) ... ... 400 2 Mess boys (22) ... ... 44 Total ... 444 × 12 = 5,328
Purchase of marine stores, etc.	2. Purchase of a new boiler for the S. L. "Isabel."	9,310	...	9,310	9,310	...	9,310	The Captain-Superintendent has reported that the present boiler is only fit for one year's further service. A new boiler is, therefore, absolutely necessary.
Ports establishments	3. Increase of pay of Marine Surveyors	...	9,600	9,600	...	9,600	9,600	Pending the decision of the Secretary of State on the general question of revision of pay of these officers, it is proposed to give an all-round increase of pay of Rs. 200 per mensem to four marine engineers under this Government—
								Rs 4 Engineers (200) ... ... 800 × 12 = 9,600
	4. For revision of scales of salaries of Royal Marine officers.	...	16,000	16,000	...	16,000	16,000	
	5. Increase of pay of Assistant Shipping Master, Branch Shipping Office.	...	4,800	4,800	..	4,800	4,800	Since the death of the last permanent incumbent, no suitable candidate on the present pay of Rs. 350—400 has been found to fill the vacancy and it is under consideration to appoint a Master Mariner on a salary of Rs. 800 a month.
	6. Salary of the Port Officer, Chittagong	...	4,320	4,320	...	4,320	4,320	Hitherto the full salary of the Port Officer used to be provided in the budget and half of it used to be deducted as recovery from the Port and Pilotage Fund, Chittagong. In view of the transfer of the Chittagong Port to the Assam-Bengal Railway, it has been decided that no recovery should be made in future, since the greater part of the duties which the officer has to perform he does on behalf of Government. The amount represents half the pay of the Port Officer.

Major budget head and sub-head under which provision has been made.	Nature of scheme	Estimate of ultimate maximum cost			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring	Total.	Non-recurring.	Recurring.	Total	
1	2	3	4	5	6	7	8	9
21.—Ports and Pilotage—*concld.*		Rs.	Rs	Rs	Rs.	Rs.	Rs.	
Ports establishments—*concld.*	7. Revision of salaries of officers in accordance with the recommendations of the Public Services Commission	...	20,000	20,000	...	20,000	20,000	
Miscellaneous ..	8. Payment of a fee to Sir Bradford Leslie for the preparation of designs, etc., for the proposed new Howrah Bridge	25,000	...	25,000	25,000	...	25,000	A fee of Rs 15,750 was paid to Mr. Basil Mott for reporting on the construction of the new bridge. The present fee is for the preparation of designs, etc.
	9. For removal of disparity in the treatment of lascars taken prisoners from British ships and enemy ships in respect of their wages.	49,000	...	49,000	49,000	...	49,000	
	10. Payment of fee to Mr. Basil Mott in connection with the new Howrah Bridge.	65,000	..	65,000	65,000	...	65,000	
	Total ...	1,48,310	60,048	2,08,358	1,48,310	60,048	2,08,358	
22.—Education.								
University ...	1. For the Dacca University scheme.	...	5,45,000	5,45,000	...	5,45,000	5,45,000	The provision is to meet the recurring cost of the scheme.
Direction ...	2. Revision of salaries of officers in accordance with the recommendations of the Public Services Commission	...	3,76,000	3,76,000	...	3,76,000	3,76,000	
Inspection—Inspector of European Schools.	3. Appointment of a peon for the office of the Inspector of European Schools	...	120	120	...	120	120	

	the creation of 18 additional appointments in the Subordinate Educational Service.							1 in each of classes I (200) and II (150) ... (200 + 150) = 350 2 in class IV (125) ... (2 × 125) = 250 3 in each of classes V (100) and VI (75) (100 + 75) = 175 × 3 = 525 4 in each of classes VII (60) and VIII (50) ...(60 + 50) = 110 × 4 = 440 1,565 per month Against these new posts, 18 posts in class III of the Lower Subordinate Educational Service (25—1—30) will be abolished, which will result in a saving of 25 × 18 = ... − 450 per month. Net cost ... 1,115 ,, or 1,115 × 12 = 13,380 per annum.
Inspection—Inspectors of Other Schools and Government Schools—General—Zenana Classes.	5. House-rent allowances for mistresses and female inspecting staff and improvement of the condition of their services	...	13,080	13,080	...	13,080	13,080	Rs For Zenana teachers ... ... 8,520 For Assistant Inspectresses ... 4,560 13,080
Government Colleges—General—Arts Colleges	6. Raising the pay of the Librarian, Bethune College	..	720	720	...	120	120	The pay of the post has been raised from Rs 40 to Rs. 50—5—100 per mensem.
	7. Appointment of a lecturer in English, Rajshahi College.	...	2,400	2,400	...	2,400	2,400	The Calcutta University is pressing for it.
	8. Appointment of a Drill and Gymnastic Master, Rajshahi College.	...	900	900	...	900	900	
	9. Creation of a post in the Imperial Educational Service for the Principalship of the Rajshahi College.	...	4,800	4,800	...	4,800	4,800	The present incumbent is in Class I of the Provincial Educational Service (Rs. 700) and it is proposed to promote him to the Imperial Educational Service when the post is sanctioned, and to give him a salary of Rs. 800, abolishing a post on Rs. 400 in the Provincial Educational Service.

Major budget head and sub-head under which provision has been made.		Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
			Non-recurring.	Recurring.	Total	Non-recurring.	Recurring.	Total.	
1		2	3	4	5	6	7	8	9
22.—Education—*contd.*			Rs.	Rs.	Rs.	Rs.	Rs	Rs	
Government Colleges—General—Arts Colleges—*concld.*	10.	Purchase of scientific apparatus and chemicals for the Physical and Chemical Laboratory attached to Government colleges.	13,800	...	13,800	13,800	...	13,800	During the war scientific apparatus and chemicals could not be obtained on account of shipping and manufacturing difficulties and the result was that stocks could not be kept up to normal level. The present proposal is to make up that deficiency to a certain extent.
Government Colleges—Professional—Civil Engineering College.	11.	Reduced freeships in the Civil Engineering College, Sibpur, converted into boarding stipends.	...	11,340	11,340	...	9,840	9,840	In lieu of reduced boarding freeships following boarding stipends have been sanctioned :— Rs. 5 at Rs. 25 per mensem ... 1,500 25 at Rs. 20 „ ... 6,000 32 at Rs. 10 „ ... 3,840 Total ... 11,340 The Director of Public Instruction states that Rs. 9,840 will meet the requirements for 1920-21.
	12.	Purchase of electric apparatus for Civil Engineering College, Sibpur.	7,685	...	7,685	7,685	...	7,685	This was sanctioned in 1915 and an order was placed with an American firm, but the goods could not be delivered on account of the war. These articles are expected to be supplied next year.
	13.	Improvement of pay and prospects of the European Foreman-Instructor and Laboratory Assistants, Civil Engineering College.	...	13,640	13,640	...	13,640	13,640	This has been sanctioned.
	14.	Appointment of a Personal		5,100	5,100		[illegible]	[illegible]	

...ing College for Teachers.								... the stipends of two L.T. scholars of the Dacca Training College for the 1st year and of 4 L.T. students for the next year has been raised from Rs. 15 to Rs. 20 each; and the stipends are tenable for 10 months only.
	16.	Establishment of a telephone connection in the office of the Principal, Dacca Training College.	...	150	150	...	150	150	
Government Schools—General—Secondary Schools—English.	17	Appointment of a peon at Rs 9 per month for the practising Middle English School attached to Chittagong Normal School.	...	108	108	...	108	108	
	18.	Appointment of a Second Maulvi, Mymensingh Zilla School.	...	540	540	...	420	420	A post on Rs. 35—2—45 per month in the Lower Subordinate Educational Service has been sanctioned.
	19	Appointment of two mistresses of English in the Dr. Khastagir's High School for Girls, Chittagong.	...	4,200	4,200	...	4,200	4,200	The proposal is to create one post in Class I (250) and another in Class V (100) in the Subordinate Educational Service.
	20.	For manual instruction ...	74,000	...	74,000	74,000	...	74,000	
	21.	Opening of manual training classes in 20 schools.	28,000	6,090	34,090	28,000	6,090	34,090	The proposal is to open 20 more classes, 10 in Government and 10 in aided schools.
	22	For Victoria Boys' School, Kurseong.	80,000	...	80,000	80,000	...	80,000	

Sub-head under which provision has been made.	Nature of scheme.	MAXIMUM COST.			IN 1920-21.			REMARKS.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
22.—EDUCATION—*contd.*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Government Schools—General—Secondary Schools—English—*contd.*	23. Appointment of a European Headmaster for the Hastings House School and recurring charges for teaching science.	...	15,750	15,750	...	15,750	15,750	The Secretary of State is being addressed for the recruitment of the Headmaster on a salary of Rs. 1,250 per mensem. Rupees 750 is for recurring laboratory charges.
Government Schools—General—Primary Schools	24. Establishment of a Central Purdanashin Hindu School at Calcutta.	...	10,000	10,000	...	10,000	10,000	
	25. For primary education in Calcutta.	3,00,000	...	3,00,000	3,00,000	...	3,00,000	
Government Schools—Special—Engineering and Survey Schools.	26. Improvement of pay and prospects of European Instructors, Dacca School of Engineering.	...	3,000	3,000	...	3,000	3,000	This has been sanctioned.
	27. Reorganization of the Dacca School of Engineering.	...	3,360	3,360	...	3,360	3,360	The proposal is to create the following posts :— 1—300 per month. 1—125 ,, 2—100 each per mensem. 1—75 per mensem. 1—50 ,, 1—35—2—45 and to abolish 1 on Rs. 200 and 5 costing Rs 305 per mensem. The additional expenditure is thus (Rs. 785—505) × 12 = 3,360 per annum.
Government Schools—Special—Technical and Industrial Schools.	28. Improvement in the pay of Mr. E. Hoogewerf, Principal, Government Weaving Institute, Serampore.	..	3,000	3,000	..	1,500	1,500	Mr. Hoogewerf was appointed on a salary of Rs. 500—50—750 and is now drawing the maximum. The Government of India have been moved to raise his pay to Rs. 800—20—1,000 and to permit him to draw Rs. 875 at once. The extra cost will therefore ultimately be (Rs. 1,000—750)

	29.	For Muhammadan education, Madrassas.	81,000	...	81,000	81,000	...	81,000	
	30.	Creation of the post of a Head Clerk, Government Commercial Institute	...	752	752	...	752	752	This has been sanctioned.
	31.	Improvement of pay and prospects of five weaving teachers in charge of outlying centres, and two lecturers attached to the Government Weaving Institute, Serampore.	...	4,445	4,445	...	4,445	4,445	The present pay of the weaving teachers is Rs. 50—$\frac{1}{2}$—120 and that of the lecturers is Rs. 50—5—120 per mensem each. It is proposed to increase the pay of all of them to Rs. 100—5—200.
	32.	Establishment of a Weaving School at Noakhali	600	2,640	3,240	600	1,800	2,400	The details are :— Teacher ... ... 600; Weaving expenses ... 240; 20 scholarships at Rs. 4 each 960 — Rs. 1,800 Recurring per annum. Apparatus ... ... 600 (Non-recurring.)
	33	Establishment of a Weaving School at Zorawarganj, Chittagong.	600	2,640	3,240	600	1,800	2,400	
	34.	Additional staff for the Government Commercial Institute.	...	6,600	6,600	...	6,120	6,120	Following staff is required — Rs. 1 Additional teacher for advanced book-keeping, accountancy and auditing 125; 1 Additional lecturer of Commercial Geography ... ... 125; 1 Additional lecturer for English ... 125; 1 Instructor in typewriting ... 60—$\frac{1}{2}$—75; Ditto ... ... 75—5—100. 510 × 12 = 6,120; 550 × 12 = 6,600
	35	For Calcutta technical school site.	6,00,000	...	6,00,000	6,00,000	...	6,00,000	
	36.	For technical school hostel at Kanchrapara.	31,000	...	31,000	31,000	...	31,000	
Grants-in-aid ...	37.	Grant to the Indian Society of Oriental Art, Calcutta.	...	19,880	19,880	...	19,880	19,880	This has been sanctioned.
	38.	For raising the rate of boarding grants under Articles 46 and 47 of the European School Code.	...	40,000	40,000	...	40,000	40,000	The proposal is to raise the boarding grant from Rs. 8 to Rs. 10 a month.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
22.—Education—*concld.*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Grants-in-Aid—*concld.*	39. Additional training stipends for girls in Western Bengal.	...	3,240	3,240	...	3,240	3,240	At present there are 8 senior and 12 junior training stipends available for mission training classes in Presidency and Burdwan Divisions. It is proposed to add 15 junior stipends at Rs. 10 each per mensem and 10 senior stipends at Rs. 12 each per mensem to meet the present dearth of trained female teachers to some extent, the extra cost being— Rs. 15 × 10 = 150 10 × 12 = 120 270 × 12 = 3,240
	40. For primary education in Muffassal.	1,00,000	...	1,00,000	1,00,000	...	1,00,000	
Scholarships ..	41. Facilities for the education of the children of the teachers employed in European Schools.	...	2,000	2,000	...	2,000	2,000	The Director of Public Instruction's proposals are being examined.
Miscellaneous ..	42. Appointment of additional peripatetic needle-work teachers.	...	9,792	9,792	...	9,792	9,792	The system of peripatetic needle-work teaching was introduced in 1913 and 10 teachers (6 in Western Bengal and 4 in Eastern Bengal) were appointed to teach needle-work and embroidery in girls' schools at advanced centres. It is now proposed to extend the scope by appointing 16 more teachers.

	examination of *Vaishnab* philosophy.							
	45. Development of evening classes at mining centres.	...	18,500	18,500	...	18,500	18,500	Of the total cost of the scheme the Government of India will give Rs. 10,000 and the balance is to be shared equally between this Government and the Government of Bihar and Orissa.
	Total ...	7,76,685	11,76,734	19,53,419	7,76,685	11,63,187	19,39,872	
24A.—MEDICAL.								
Medical establishment	1. Revision of pay of Provincial Service Officers in accordance with the recommendations of the Public Services Commission.	...	1,33,000	1,33,000	...	1,33,000	1,33,000	
	2. Revision of pay of record-suppliers and library daftries, Surgeon-General's office.	...	156	156	...	84	84	This has already been sanctioned by Government.
	3. Appointment of two probationers in the Mymensingh Civil Surgeon's office.	...	360	360	...	360	360	The scheme has already been sanctioned.
	4 Appointment of a peon in Civil Surgeon's office, Barisal.	...	108	108	...	108	108	This has already been sanctioned.
	5. Revision of pay of clerical establishment, Civil Surgeon's offices.	...	12,360	12,360	...	1,668	1,668	
	6. Revision of pay of Assistant Surgeons and Sub-Assistant Surgeons.	...	50,000	50,000	..	50,000	50,000	
Hospitals and Dispensaries.	7. Establishment for the servants' quarters, Medical College Hospital.	...	1,248	1,248	...	1,152	1,152	This has been sanctioned

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
24A.—Medical—*contd*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Hospital and Dispensaries—*contd.*	8. Revision of pay of compounders and dressers, Medical College Hospital.	...	628	628	...	628	628	This has been sanctioned.
	9. Appointment of a caretaker of instruments, Medical College Hospital.	...	4,500	4,500	...	3,900	3,900	The Government of India have been moved to sanction the appointment of the caretaker at Rs. 250—10—300 with house-rent at Rs. 75 per mensem.
	10. House-rent allowance to compounders, Medical College, Campbell and Barisal Isolation Hospitals	...	1,200	1,200	...	1,200	1,200	The details are :— 13 at Rs. 5 each for Medical College Hospital ... ... 65 6 at Rs. 5 each for Campbell Hospital... 30 1 at Rs. 5 for Barisal Isolation Hospital 5 100 × 12 = 1,200
	11. Appointment of an assistant radiographer, Medical College Hospital.	...	3,600	3,600	...	3,600	3,600	This has been sanctioned by the Government of India. Pay Rs. 250 per mensem with house-rent of Rs. 50 or free quarters.
	12. Revision of pay of Ward Masters, Presidency General Hospital.	...	772	772	...	772	772	This has been sanctioned.
	13. Provision for maintenance of X-ray apparatus in Medical College, Presidency General and Campbell Hospitals.	...	2,700	2,700	...	2,700	2,700	This work is done by Messrs. Lawrence and Mayo.

	Assistant Surgeon for X ray Department, Howrah General Hospital.							
16.	Beds, etc., for the second storey of the Elliot Ward, Campbell Hospital.	6,000	...	6,000	6,000	...	6,000	
17.	Additional Nurses and Menials, Campbell Hospital.	...	7,000	7,000	...	7,000	7,000	
18.	Appointment of an additional dresser, Campbell Hospital.	...	144	144	...	144	144	
19.	Revision of pay of compounders and dressers, Campbell Hospital.	...	144	144	...	144	144	
20.	Establishment of a special department for the Campbell Hospital.	6,500	7,338	13,838	6,500	7,338	13,838	This is for the treatment of diseases of the eye, ear, nose and throat, and there will be both an outdoor and an indoor ward. The scheme has already been sanctioned by Government.
21.	Entertainment of five additional pupil nurses for the Sambhu Nath Pandit Hospital.	...	1,800	1,800	...	1,500	1,500	The scheme has already been sanctioned.
22.	Grant of house-rent allowance to compounders, at Rs. 5 per month each, Sambhu Nath Pandit Hospital.	...	120	120	...	120	120	This has already been sanctioned by Government.
23.	Increase of pay o Assistant Nursing Superintendent, Sambhu Nath Pandit Hospital.	...	300	300	...	300	300	The pay has been raised from Rs. 100—5—125 to Rs. 125, and the present incumbent on Rs. 100 has been allowed to draw Rs. 125 per month.

Major budget head and sub-head under which provision has been made.	Nature of scheme	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
24A.—Medical—*contd.*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Hospitals and Dispensaries—*concld.*	24. Revision of pay of menials' establishment, Sambhu Nath Pandit Hospital.	...	624	624	...	624	624	This scheme has been sanctioned.
	25. Provision for 2 probationer officers, Albert Victor Asylum for Lepers.	...	1,680	1,680	...	1,680	1,680	Ditto.
	26. Grant of a local allowance of 20 per cent. of pay to the compounder, Rangamati Dispensary.	...	58	58	...	58	58	This has been sanctioned.
	27. Grant of a local allowance of Rs. 5 each to five resident Medical Officers, Dacca Mitford Hospital.	...	300	300	...	300	300	Ditto
	28. Increase of house-rent of the Sub-Assistant Surgeon, Chittagong General Hospital.	...	60	60	...	60	60	This scheme has been sanctioned.
	29. Increase of pay of dresser, Uttarpara Hospital.	...	120	120	...	60	60	Ditto ditto
	30. Transfer of the Dacca Mitford Hospital to Government.	...	70,000	70,000	...	70,000	70,000	This has been sanctioned and being given effect to. A provision of Rs 20,000 was made on this account in 1919-20. The municipal grant and the private donations will amount to Rs. 40,000 which will be credited as receipts.

		...gaunt Hospital.						
	33.	Increase of pay of Anæsthetist, Mayo Hospital.	...	600	600	...	600	600	The pay has been increased from Rs. 50 to Rs. 10.
	34.	Scheme for the improvement of the Voluntary Venereal Hospital.	30,589	5,602	36,191	...	3,000	3,000	The scheme has been sanctioned already. The capital expenditure for land acquisition will be provided for in the Public Works Department budget. Out of the recurring charge of Rs 5,602, Rs. 3,000 is proposed to be included in the budget of 1920-21.
	35.	Increase of pay of the compounders, Voluntary Venereal Hospital.	...	60	60	...	60	60	The scheme has already been sanctioned.
	36.	Revision of pay of establishment of Voluntary Venereal Hospital.	...	396	396	..	396	396	This has already been sanctioned by Government.
	37.	Grant to the Belgachia Medical Institute.	4,05,000	...	4,05,000	4,05,000	...	4,05,000	The grant is for the following purposes :— Rs. (a) To assist in fulfilling requirements of the University ... ... 4,00,000 (b) To enable the Superintendent of the Hospital to go to Europe for training ... 5,000
	38.	Grant to the Madaripur Dispensary Committee for construction of a new hospital	15,000	...	15,000	15,000	...	15,000	The total cost of the scheme is estimated at Rs 40,000, out of which Rs. 25,000 will be found from local subscription. The balance Rs. 15,000 is proposed to be given as Government contribution.
Medical Schools and Colleges.	39.	Revision of pay of the librarian and the appointment of an assistant librarian, Medical College	...	1,200	1,200	...	840	840	The scheme has already been sanctioned.
	40.	Appointment of two demonstrators, Medical College, Calcutta	...	3,600	3,600	...	2,400	2,400	This has already been sanctioned

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total	Non-recurring.	Recurring	Total.	
1	2	3	4	5	6	7	8	9
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
24A.—Medical—*concld.* Medical Schools and Colleges—*concld.*	41. Increase of pay of three non-assistant surgeon demonstrators, Medical College.	...	6,400	6,400	...	...	...	The proposal is to increase the pay from Rs 100—10—150 to Rs. 100—10—300, and has already been sanctioned.
	42. Revision of pay of Laboratory Assistant and appointment of an additional Taxidermist, Medical College.	...	1,716	1,716	...	1,716	1,716	
	43. Appointment of a demonstrator, Medical College.	...	1,800	1,800	...	1,200	1,200	This has been sanctioned.
	44. Increase of grant to the Athletic Club, Medical College.	...	350	350	...	350	350	
	45. Appointment of a temporary demonstrator, Medical College, Calcutta.	3,600	...	3,600	1,200	...	1,200	
	46. Appointment of a sweeper, Campbell Medical School.	...	108	108	...	108	108	This has already been sanctioned by Government.
	47. Increase of pay of dissecting establishment, Campbell Medical School.	...	132	132	...	132	132	This has already been sanctioned

		Campbell Medical School and Hospital.						
	50.	Appointment of an additional demonstrator, Dacca Medical School.	...	1,260	1,260	...	1,260	1,260	Ditto ditto.
	51.	Revision of clerical establishment, Dacca Medical School	...	780	780	...	408	408	The details are :— Present. Rs. 1—35—2—45; 1—25—1—30 Proposed. Rs. 1—50—2—60.; 1—30—1—45.; 1—25—1—35. Excess at present. Rs. 5; 4; 25 34 × 12 = 408
	52.	Increase of pay of two laboratory coolies, Dacca Medical School.	...	72	72	...	66	66	The pay has been raised from Rs. 9 to Rs. 12 from 1st April 1920.
	53.	Appointment of a bearer, Dacca Medical School.	...	120	120	...	120	120	
	54.	Provision for stone topped dissecting tables, Dacca Medical School.	3,500	...	3,500	3,500	...	3,500	
	55.	Appointment of a compounder at the Dacca Medical School.	...	300	300	...	275	275	The appointment of a compounder on Rs. 20 per mensem with a house allowance of Rs. 5 has been sanctioned from 1st April 1920.
Chemical Examiner ...	56.	Revision of pay of the Laboratory Assistants, Chemical Examiner's Department	...	516	516	...	84	84	The scheme has been sanctioned.
		Total ...	4,70,639	3,36,330	8,06,969	4,37,200	3,11,913	7,49,113	

Major budget head and sub-head under which provision has been made.	Nature of scheme	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring	Total.	
1	2	3	4	5	6	7	8	9
24B.—Sanitation.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
	1. Appointment of a Sub-Assistant Surgeon under special Deputy Commissioner, Malaria Research.	...	600	600	...	600	600	The Sub-Assistant Surgeon on Rs. 50 per mensem has already been appointed.
	2. Appointment of a draftsman in the office of the Sanitary Commissioner.	...	600	600	...	600	600	This is a sanctioned scheme.
	3. Additional menial establishment for the Sanitary Commissioner's office.	...	468	468	...	468	468	
	4. Increase of allowance of licensed vaccinators.	...	2,000	2,000	...	2,000	2,000	It is proposed to raise the allowance from annas 4 to annas 6 and Rs. 2,000 has been entered as a rough estimate.

	sioner's office.							1—150 1—125 1— 80 1— 40 395 × 12 = 4,740
	Total ...	...	12,970	12,970	...	12,970	12,970	
25.—POLITICAL.	1. Increase of house allowance of the Special Agent at Ghoom.	...	120	120	...	120	120	The house allowance has been increased from Rs. 10 to Rs. 20 per mensem.
	2. For demarcation of boundaries between Cooch Behar and Jalpaiguri.	1,000	...	1,000	1,000	...	1,000	
	Total ...	1,000	120	1,120	1,000	120	1,120	
26 A.—AGRICULTURE.								
Agriculture ...	1. Appointment of an Assistant Superintendent, Dacca Farm.	...	1,200	1,200	...	600	600	The appointment of the Assistant Superintendent on Rs. 50—2½—100 has been sanctioned already.
	2. Appointment of an Auditor to supervise the accounts of the Subordinate Agricultural offices, seed stores, farms, etc	...	1,800	1,800	...	1,200	1,200	The proposal is to appoint an Auditor on Rs. 100—5—150.

Major budget head and sub-head under which provision has been made	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
26A —Agriculture —*contd.* Agriculture—*concld.*	3. Appointment of an Economic Botanist.	...	31,656	31,656(*b*)	...	11,661	11,661	It has been explained to the Government of India that a second officer will be required for taking up the question of improving rice crops in Western Bengal. The details are :—
								Rs (*a*) Salary (500—50—1,500) ... 4,500 Clerks ... ... 1,080 Servants ... ... 81 Travelling Allowance ... 3,000 Contingencies ... ... 3,000 } For 9 months of 1920-21. 11,661
								(*b*) Salary (500—50—1,500) ... 18,000 Clerks ... ... 1,440 Servants ... .. 216 Travelling Allowance ... 6,000 Contingencies 6,000 31,656
	4 Provision for a Sericultural Nursery at Bholahat.	54,000	12,788	66,788	54,000	8,788	62,788	The details are—
								Rs. Buildings ... 54,000 1 Superintendent (75) × 12 = 900 1 Assistant (50) × 12 = 600 7 Overseers (25) = 175 × 12 = 2,100 6 Supervisors (15) = 90 × 12 = 1,080 } Rs. 62,788 per

		district agricultural farms						Bankura ... ... [illegible] Faridpur ... ... 25,000 Chittagong Hill Tracts ... 30,000 Jalpaiguri ... ... 25,000 1,10,000 This is in addition to the farms opened already.
	6.	Appointment of two laboratory assistants for the Second Economic Botanist.	.	2,400	2,400	...	900	900 The pay has been proposed at Rs. 50—2½—100 per mensem. The expenditure for 9 months in 1920-21 has been provided for.
	7	Appointment of a veterinary assistant for Rangpur Cattle Farm.	...	1,200	1,200	...	600	600 The pay proposed is Rs. 50—2½—100
	8.	Revision of pay of Imperial service officers in accordance with the recommendations of the Public Services Commission	...	49,000	49,000	...	49,000	49,000 The Government of India have already submitted the scheme to the Secretary of State
	9.	Extra staff of superior officers.	...	10,000	10,000	...	10,000	10,000 The Government of India have already asked Secretary of State to recruit additional officers for Bengal.
Botanical Gardens ...	10	Appointment of an Assistant Curator	..	6,540	6,540	...	2,500	2,500 The appointment will be in the European Gardeners' Service (Rs. 250—15—545). As the Secretary of State will have to be moved for the recruitment of an officer who is not likely to join at the commencement of the year, provision for 10 months of 1920-21 has been made.
	11.	Increase of pay of the probationer gardener	...	900	900	..	900	900 As it is reported that the probationers whom the Secretary of State is endeavouring to recruit from England refuse to enter service as probationers for less than Rs. 250 per mensem, the present allowance of Rs. 175 per mensem to probationers shall have to be raised to Rs. 250 per mensem
	12.	Increase of pay of the shorthand-typist, Botanic Garden, Sibpur.	...	240	240	...	132	132 The scale has now been fixed at Rs. 80—4—120 against Rs. 100 per mensem and the present incumbent has been allowed to draw Rs. 112 from 1st April 1920.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21.			Remarks.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
26A.—Agriculture—*concld.*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Other Government gardens.	13. Increase of pay of the Assistant Curator for Calcutta gardens	...	600	600	..	600	600	The present pay of the post is Rs. 200 per mensem. It is reported by the Government of India at the instance of the Secretary of State that there is no likelihood of any probationer coming out from England on a salary less than Rs 250 per mensem. The excess expenditure, therefore, is (250—200) × 12 = 600 per annum.
Co-operative Societies	14 Appointment of one Deputy Registrar and his establishment.	...	24,240	24,240	...	20,640	20,640	In the scheme for the superior control of Co-operative Societies sanctioned by the Secretary of State, provision has been made for the appointment of one Deputy Registrar for Bengal in the cadre of Magistrates and Collectors with a duty allowance of Rs. 150 a month :— Rs. Salary (Rs. 1,500) × 12 ... 18,000 Duty allowance (Rs. 150) × 12 ... 1,800 1 Tour Clerk (Rs. 50) × 12 ... 600 2 Peons (Rs. 10) × 2 × 12 ... 240 Total ... 20,640
	15. Grant to Co-operative Societies.	3,600	...	3,600	3,600	...	3,600	This is to help the societies established amongst poorer urban classes for the support of the clerical staff for maintenance of their accounts in accordance with the principle sanctioned by the Secretary of State.
	16. Appointment of auditors and peons for Co-operative Societies.	...	18,576	18,576	...	18,576	18,576	It is proposed to appoint 12 auditors and 12 peons for them:— Rs 12 Auditors (Rs. 75) 900 × 12 = 10,800 Travelling allowance of auditors (Rs. 40) 480 × 12 = 5,760 12 Peons (Rs. 9) 108 × 12 = ... 1,296 Travelling allowance of peons (Rs. 5) 60 × 12 = 720 Total ... 18,576

		to the Co-operative Department.						
	19.	Appointment of a peon for the office of the Deputy Collector on special duty at Naogaon.	...	108	108	...	108	108	
		Total ...	1,76,600	1,76,248	3,52,848	1,76,600	1,41,205	3,17,805	
26B.—Scientific and Miscellaneous Departments.									
Emigration ..	1.	Contribution towards the construction of a floating emigration hospital at Goalundo.	40,000	...	40,000	40,000	...	40,000	
Inspector of Factories	2.	Appointment of Additional Inspectors of Factories	...	8,400	8,400	...	8,400	8,400	In order to strengthen the Factory Department to cope with the increase in work, it has been decided to add two Inspectors. (1) On Rs. 400 (2) On .. 300 700 × 12 = 8,400
	3	For revision of salaries of officers in accordance with the recommendations of the Public Services Commission	...	20,000	20,000	...	20,000	20,000	
Development of Industries.	4	Appointment of District Fishery Officers.	...	3,240	3,240	...	3,240	3,240	Two such officers have been appointed in 1919-20 in the districts of Dacca and Khulna. It is proposed to appoint two more officers in Pabna and Faridpur. Rs. Pay of 2 officers (Rs. 75) 150 × 12 = 1,200 Travelling allowance of above officers (Rs. 50) 100 × 12 = 1,200 2 peons (Rs. 10) ... 20 × 12 = 240 Total ... 3,240
	5.	Establishment of a Carp Culture Station near Calcutta	11,500	7,354	18,854	10,000	...	10,000	

Major budget head and sub-head under which provision has been made.	Nature of scheme	Estimate of ultimate maximum cost.			Estimate of expenditure in 1920-21			Remarks.
		Non-recurring.	Recurring.	Total	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
26B.—Scientific and Miscellaneous Departments—*concld.*		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Development of Industries—*concld.*	6. Appointment of temporary clerks in the office of the Director of Fisheries.	..	960	960	...	960	960	It is proposed to appoint one clerk on Rs. 50 and another on Rs. 30 per mensem to cope with the increase in office work.
	7. Appointment of a Second Zoological Assistant.	...	2,400	2,400	...	1,200	1,200	The Second Zoological Assistant on Rs. 100—5—200 has already been appointed.
Miscellaneous ...	8 Cost of the office of the Director of Civil Supplies	1,27,000	...	1,27,000	10,000	..	10,000	The office was created in 1918-19 as a war measure, and the charge though debitable to this head is ultimately recovered from the Government of India. The details of the charges are :— 1918-19 ... ... Rs. 47,000 1919-20 ... ... 70,000 1920-21 ... ... 10,000 Total ... 1,27,000 In 1920-21, it has been decided to retain a small office for 9 months only till the new winter rice is available. Allowance of a part-time Director of Civil Supplies ... ... Rs. 300 per mensem. Six clerks ... ... 300 ,, Menials and Contingencies ... 150 ,, Rent ... . 250 ,, 1,000 × 9 = 9,000 Unforeseen charges ... ... 1,000 Total ... 10,000

PRINTING.								
Press and Forms Department.	1	Revision of the Press establishment.	...	5,508	5,508	...	5,508	5,508	The estimated cost of revision is Rs. 459 per month or Rs. 459 × 12 = 5 508 per annum.
	2.	Purchase of lines and printing machines, Bengal Secretariat Press.	95,000	...	95,000	95,000	...	95,000	
		Total ...	95,000	5,508	1,00,508	95,000	5,508	1,00,508	
32 —MISCELLANEOUS.									
	1.	For improvement of pay of menial establishment in the Presidency.	...	10,00,000	10,00,000	..	10,00,000	10,00,000	
	2.	For war allowance to menials and low paid clerks	...	1,00,000	1,00,000	...	1,00,000	1,00,000	
	3	Grant to Rescue Home for Indian girls.	...	8,000	8,000	...	8,000	8,000	
	4.	For expenditure in connection with the Reforms Scheme	1,50,000	...	1,50,000	1,50,000	...	1,50,000	
		Total ...	1,50,000	11,08,000	12,58,000	1,50,000	11,08,000	11,58,000	
		GRAND TOTAL ...	41,88,786	49,37,321	91,86,107	36,93,838	47,58,454	84,52,292	

APPENDIX C.

OBLIGATORY.

Statement of expenditure which will be met out of the Rs. 9¼ lakhs I perial grant and out of the unspent balance of the Imperial grants.

I.—Sanitary Schemes.

		Rs.
1.	Dacca sewerage	7,00,000
2.	Midnapore water-supply	1,23,000
3.	Comilla water-supply	50,000
4.	Narayanganj water-supply	50,000
5.	Asansol water-supply	50,000
6.	Kurseong drainage	28,000
7.	Krishnagar water-supply	44,000
8.	Budge-Budge drainage	9,500
9.	Quinine grants	75,000
10.	Anti-malarial survey	20,000
11.	Anti-malarial measures in the schools in the Chittagong Hill Tracts	1,000
12.	Calcutta sewerage experiment	5,000
13.	Calcutta Fringe area drainage	45,000
14.	Contributions for sanitary inspectors ...	12,000
15.	Contribution towards the pay of district health officers	45,000
16.	Dacca conservancy	7,500
17.	Vital statistics (special establishment) ...	6,700
18.	Subordinate Sanitary service	10,000
19.	Emergency fund for epidemic	23,300
20.	Training of sub-inspectors and second class health officers	7,000
21.	For school hygiene	15,000
22.	For course of training to qualify for appointments as district health officers ...	5,000
23.	Expenses during the prevalence of bubonic and other plague	12,500
24.	Expenses during prevalence of malaria ...	3,000
25.	Chemical and contingencies for laboratories ...	10,000
26.	Hook-worm enquiry	1,00,000
27.	Investigation of river pollution	12,500
28.	Publicity bureau	50,000
29.	Kala-azar survey	15,000
30.	Establishment of a laboratory for the analysis of water and food	5,000
31.	Anti-stegomiya measures in the ports of Calcutta and Chittagong	20,000
32.	For Child Welfare work	30,000
33.	For Anti-malarial survey of the area in the vicinity of Calcutta	25,000
	Total ...	16,15,000

II.—Anti-malarial Schemes.

(*a*) WORKS TO BE CARRIED OUT AT GOVERNMENT COST.

		Rs.	
1.	Saraswati	40,000	
2.	Baragachia	9,000	
3.	Monikhali	31,000	
			80,000

(*b*) WORKS TO WHICH GOVERNMENT WILL CONTRIBUTE.

		Rs.	
1.	Jabuna	50,000	
2.	Amta	50,000	
3.	Engineering surveys	10,000	
			1,10,000

(*c*) NEW SCHEMES.

1.	Anjuna	1,25,000
2.	Dhunia	
3.	Arapanch	

GRAND TOTAL		19,30,000
Deduct probable savings		7,37,000
Net total ...		11,93,000

APPENDIX D.

OBLIGATORY.

43.—Irrigation—Minor Works and Navigation.

		Rs.
1.	Coal barges	16,000
2.	Widening of Madaripur Bil route	7,00,000
3.	Rebuilding Kidderpore bridge	6,50,000
4.	For mitigating effects of floods—	
	(*a*) Uchinala project	1,000
	(*b*) Sagarputal-Bakshi Bazar Bund	40,000
	(*c*) Hoorhoora khal	1,00,000
5.	Amirabad draingae project	1,04,602
6.	Pichaboni ditto	85,186
7.	Bullee Bil ditto	1,00,000
8.	Buildings for new Khulna Irrigation Division ...	85,000
9.	Two bridges over the Circular canal	2,00,000
	Total ...	20,81,788
	Provincial share ...	10,40,894

APPENDIX E.

Statement of receipts and charges of District Boards and District Road Fund in Bengal.

RECEIPTS.

—	Actuals, 1918-19	Revised estimate, 1919-20.	Budget estimate, 1920-21.	REMA
	Rs.	Rs.	Rs.	
Land Revenue ...	26,234	36,978	48,351	
Local Rates	69,74,046	69,51,887	71,44,559	
Interest	43,348	41,730	38,538	
Law and Justice—Courts of Law.	2,329	3,269	3,178	
Police	3,32,591	3,36,996	3,37,518	
Education	15,93,270	13,86,203	14,38,462	
Medical	1,32,807	1,35,233	1,29,879	
Minor Departments ...	11,001	9,612	21,059	
Superannuation and Pension	...	...	...	
Stationery and Printing ...	593	1,000	700	
Miscellaneous	3,33,422	4,02,373	2,48,269	
Railways	80,405	71,000	71,000	
Minor Works	21,131	18,050	18,050	
Civil Works	14,40,591	13,11,951	12,92,611	
Debt, deposits and advances	7,34,504	9,82,495	6,97,750	
Total ...	1,17,26,275	1,16,88,777	1,14,89,924	
Opening balance ...	21,58,467	24,79,896	6,96,180	
GRAND TOTAL ...	1,38,84,742	1,41,68,673	1,21,86,104	

CHARGES.

—	Actuals, 1918-19.	Revised estimate, 1919-20	Budget estimate, 1920-21	REMARKS
	Rs.	Rs.	Rs.	
unds	1,034	1,500	550	
ıd Revenue ...	271	1,039	1,702	
al Rates	3,03,885	1,95,068	2,19,511	Includes provision for the entire charges of the cess collecting establishment which are borne by District Boards.
·rest	1,27,243	1,19,121	1,21,326	
eral Administration ...	3,15,686	3,56,265	3,78,671	
; and Justice—Courts of aw.	3,053	10,910	10,253	
ce	21,574	22,529	21,892	
:s and Pilotage ...	8,871	9,020	10,220	
cation	27,29,171	29,30,106	27,62,396	
ical	9,97,398	12,10,972	13,32,612	
or Departments ...	1,58,317	2,02,793	2,27,466	
·rannuation and Pension	79,452	85,691	87,417	
ionery and Printing ...	45,851	49,876	43,805	
:ellaneous	36,082	80,247	50,051	
ine relief	69,507	1,74,075	7,000	
ways	50,000	34,000	33,000	
or Works	...	2,54,712	...	
l Works	56,43,034	66,90,073	55,76,915	
, deposits and advances	8,14,411	10,14,193	7,68,231	
Total ...	1,14,04,846	1,34,72,193	1,16,53,018	
Closing balance ...	24,79,896	6,96,180	5,33,056	
GRAND TOTAL ...	1,38,84,742	1,41,68,673	1,21,86,104	

Sir Henry Wheeler; the President.

The Hon'ble Sir Henry Wheeler said:—

"The brief memorandum which is in the hands of the Hon'ble Members draws attention to the few minor points which are deserving of notice in this connection."

ADJOURNMENT.

The Council was adjourned to Wednesday, the 7th April, 1920, at 11 A.M. at Government House, Calcutta.

J. F. GRAHAM,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.

CALCUTTA;
The 5th April, 1920.

B. S. Press—26-4-1920—5032J—350—F. T.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

The Council met in the Council Chamber at Government House, Calcutta, on Wednesday, the 7th April, 1920, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble SIR CHARLES STEVENSON-MOORE, K.C.I.E., C.V.O.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. F. J. MONAHAN.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble MR. C. W. GURNER.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DAULA AMIR-UL-OMRAH NAWAB SIR ASIF QADR SAIYID WASIF 'ALI MIRZA KHAN BAHADUR MAHABAT JANG, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. C. D. M. HINDLEY.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. M. CATHCART.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. R. M. WATSON-SMYTH.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MR. G. A. BAYLEY.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble MR. ALTAF ALI.

The Hon'ble BABU SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU SARAT CHANDRA CHAKRABARTTI.

LIST OF BUSINESS—ITEM No. 1.

OATH OF ALLEGIANCE.

The Hon'ble Mr. C. W. Gurner made an oath of his allegiance to the Crown.

LIST OF BUSINESS—ITEM No. 2.

STARRED QUESTIONS.

The following questions, which had been starred, were put and answered :—

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***I.**

Pay of the lower division assistants of the Bengal Legislative Department.

(*a*) Will the Government be pleased to state whether the pay of the lower division assistants of the Bengal Secretariat has been recently raised?

(*b*) If so, will the Government be pleased to state whether it is a fact that the Legislative Department, which is a part of the Bengal Secretariat, has been excepted from the operation of the said scheme of revision of pay?

(*c*) If so, why?

Answer by the Hon'ble Mr. Marr:—

" (*a*) Yes.

(*b*) Yes.

(*c*) The Legislative Department was only recently constituted a department of the Secretariat. The conditions, which regulated the appointment and grading of clerks in that department in the past, were so widely different from those in force in the Secretariat, that it was considered advisable to keep the ministerial establishment of the Legislative Department separate from the general cadre of Secretariat establishments, specially as the educational qualifications of the former are markedly inferior to those of the latter. The pay of the clerical establishment of the Legislative Department was reorganised on the 1st June, 1918, independently of any question of revising the pay of the clerks in the other departments of the Secretariat It will also shortly come under re-examination again in connection with the arrangements for the Reformed Councils."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***II.**

Increase in the pay of veterinary inspectors.

(*a*) Will the Government be pleased to state whether they are contemplating increasing the pay of the veterinary inspectors?

(*b*) If so, to what amount?

(*c*) Are the Government considering the desirability of allowing them travelling expenses according to the scale of the Civil Service Regulations?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) Veterinary inspectors are paid on the scale Rs. 100—5—175. It is not proposed at present to increase this scale.

(*b*) The question does not arise.

(*c*) Veterinary inspectors at present draw travelling allowance according to the Civil Service Regulations."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***III.**

Transfer of teachers from Government high schools to Government normal schools.

(*a*) Will the Government be pleased to state whether it is a fact that teachers are very often transferred from Government high schools to normal training schools and *vice versa?*

(*b*) If so, are the Government aware that the teachers in the Lower Subordinate Educational Service who have been recently transferred to Government normal schools will suffer considerably in view of the fact that these schools have been excluded from the scheme published in the *Calcutta Gazette* of the 17th March, 1920, for the improvement of secondary education?

(*c*) What measures are being adopted by the department for the redress of the grievances of these officers?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Transfers of Government high school teachers to normal schools are not frequent and are ordinarily made on the application of the teachers themselves. Such transfers are sometimes accompanied by promotion.

(*b*) Yes.

(*c*) A scheme for the improvement of the pay and prospects of teachers in normal schools is under the consideration of the Director of Public Instruction."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***IV.**

Proposed Agricultural School at Chinsurah.

(*a*) Will the Government be pleased to state the reasons why the proposed Agricultural School at Chinsurah has not yet been completed whereas the Dacca school has already been started?

(*b*) Is it a fact that the plan and estimates of the Chinsurah school have not yet been completed?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) The Chinsurah work was delayed mainly on account of the difficulty in obtaining bricks.

(*b*) The detailed plans and estimates for the buildings originally proposed for Chinsurah were sanctioned in May, 1919. Plans and estimates for certain additional buildings which are now considered necessary are under preparation."

UNSTARRED QUESTIONS.

(Answers to which were laid on the table.)

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

1.

Reorganisation of the Provincial Judicial Service

(*a*) Will the Government be pleased to state whether any sanction has been received from the Secretary of State regarding the proposed reorganisation of the Provincial Judicial Service, in accordance with the recommendations of the Public Services Commission?

(*b*) If the answer be in the affirmative, will the Government be pleased to lay on the table the orders of the Secretary of State in the matter?

(c) Are the Government aware that a feeling exists that until any re-organisation is given effect to or announced, it will be difficult for provincial judicial officers to make the election about the new pension rules as directed in the India Government Resolution No. 1085 E. A., Finance Department, dated the 15th November, 1919?

(*d*) If so, are the Government considering the desirability of extending the time for making such election?

(*e*) Will the Government be pleased to state whether the actual period of continuous and non-continuous service put in by judicial officers before confirmation will be taken into account in granting time scale increment in respect of the proposed re-organisation?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) The Secretary of State has passed orders defining leading principles and suggesting certain lines of action. The scheme to be adopted in Bengal is under discussion with the Government of India and it is hoped that a final decision will shortly be arrived at.

(*b*) Government do not propose to lay the Secretary of State's statement on the table at this stage.

(*c*) Yes.

(*d*) An order extending the period within which the option should be exercised is under issue.

(*e*) The matter is still under consideration."

By the Hon'ble Maulvi Abul Kasem:—

2.

Representation of Muhammadans on Local and District Boards in Mymensingh.

(*a*) Will the Government be pleased to state what is the proportion of Hindus and of Muhammadans to the total population in the Mymensingh district and the Tangail subdivision of that district?

(*b*) Will the Government be pleased to state the number of Hindu and Muhammadan members of the Local Boards and the Mymensingh District Board, elected and nominated by Government?

(*c*) Will the Government be pleased to state whether in making nominations to these bodies full effect was given to the Government resolution on the subject of Muhammadan representation on local bodies?

(*d*) Are the Government aware that a petition was submitted to the Magistrate in which it was alleged that there were several serious irregularities in the election of members of the District Board by the members of the Tangail Local Board and that the petition was rejected without hearing the petitioners or giving them an opportunity of establishing their case?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) and (*b*) Statements are laid on the table.

(*c*) In making nominations regard was had to local circumstances and the Government circular on the subject.

(*d*) Government are informed that a petition was submitted to the District Magistrate and that he did not forward it to the Commissioner as it was couched in improper language. Two petitions received by the Commissioner were inquired into."

Statement referred to in the answer to question No. 2 (a) unstarred of 7th April, 1920, showing the percentage to the total population of Hindus and Muhammadans in the Mymensingh district and Tangail subdivision.

	Muhammadans.	Hindus.
Mymensingh district	73	25
Tangail subdivision	71	28

Statement referred to in the answer to question No. 2(b), unstarred, of 7th April, 1920, showing the composition of the Mymensingh District Board and Local Boards.

Serial No.	Name of the District and Local Boards.	Total number of members.	TOTAL NUMBER OF MEMBERS APPOINTED.				TOTAL NUMBER OF MEMBERS ELECTED.		
			Ex-officio.	Hindu.	Muhammadan.	Total.	Hindu.	Muhammadan.	Total.
1	Mymensingh District Board.	24	2	7	3	12	3	9	12
2	Sadar Local Board	18	...	2	4	6	4	8	12
3	Jamalpur Local Board.	15	...	3	2	5	...	10	10
4	Kishoreganj Local Board.	15	1	2	2	5	5	5	10
5	Netrokona Local Board.	12	1	...	3	4	6	2	8
6	Tangail Local Board.	18	...	4	2	6	2	10	12

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

3.

Inferior prospects in the Educational Service of M.A.'s and M.Sc.'s in Science.

(*a*) Is it a fact that M.A.'s and M.Sc.'s in science subjects are rarely appointed directly to the Provincial Service, however brilliant their academic careers may be, while in Arts subjects even second class M.A.'s are directly appointed to the higher service?

(*b*) Is it also a fact that science graduates have to serve many years in the Subordinate Educational Service before they get into the Provincial Educational Service?

(*c*) Are the Government aware that as a result of this differentiation the science graduates, who are fortunate enough to get appointments in the higher service are always in lower grades and in inferior positions than their class friends, and many of their juniors who took up Arts subjects?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) Direct appointments to the Provincial Edcuational Service both of M.A.'s in Arts subjects and of M.A.'s and M.Sc.'s in science subjects are rare. M.A.'s in Arts subjects do not receive preferential treatment.

(*b*) Yes.

(*c*) In view of the reply to (*a*) this question does not arise."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

4.

(*a*) Will the Government be pleased to state from what college and in what year the present officiating Director of Agriculture passed the B.Sc.? The Officiating Director of Agriculture.

(*b*) Is he a pass or an honours graduate?

(*c*) Did he take Agriculture as a subject for the B.Sc. degree or as a subsidiary subject?

(*d*) What other subjects had he for the degree?

(*e*) How long did he study Agriculture?

(*f*) What was his previous experience in the following subjects:—

(*i*) demonstration work and other district organisations;

(*ii*) administration of big staff;

(*iii*) agricultural statistics;

(*iv*) office routine and control;

(*v*) agricultural engineering, *i.e.*, laying out of farms, construction of buildings and roads, etc.; and

(*vi*) crops other than jute, *e.g.*, sugarcane, tobacco, potatoes, paddy and ground-nut.

Answer by the Hon'ble Mr. McAlpin:—

"(*a*), (*b*), (*c*) and (*d*) The Hon'ble Member is doubtless referring to the answer given to his unstarred question No. 9 of the 5th March, 1920. Further information has now been obtained. The officiating Director of Agriculture took a pass degree in science at the University of Wales in 1899. For his degree he took chemistry and physics. Subsequently in 1901 he passed the Intermediate examination of the Institute of Chemistry, of which he became a Fellow in 1914. He also obtained the University diploma at the University of Wales in agriculture in 1897, for which there was a separate course which was not part of the science course.

(*e*) Two years for the diploma of agriculture.

(*f*), (*i*), (*ii*), (*iii*), (*iv*) and (*vi*) He is an experienced officer who has been in direct contact with the practical working of the Agricultural Department in all its branches for the whole of his service.

(*v*) The diploma in agriculture includes surveying and building construction."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

5.

Will the Government be pleased to state whether the research and the administrative sections of the Agricultural Service are parts of the same unit in which posts are interchangeable, or are they different units? The research and administrative sections of the Agricultural Service.

Answer by the Hon'ble Mr. McAlpin:—

"In practice the research and administrative branches of the Agricultural Department are ordinarily treated as distinct; but Government are at liberty to make such appointments as are in their opinion suitable."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

6.

Number of persons who have passed the Sanskrit Examinations.

(*a*) Will the Government be pleased to make a statement for each of the last 5 years giving the number of persons who have passed the different examinations in Sanskrit conducted under the auspices of Government, together with the number of unsuccessful candidates?

(*b*) Have the Government any idea as to the approximate number of private *tols* in Bengal and of persons who receive instruction in Sanskrit in such *tols* year by year?

(*c*) What is the total expenditure incurred by Government during the last 5 years for Sanskrit education in Bengal in *tols* and such other special institutions?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) A statement is laid on the table.

(*b*) The number of private *tols* is 1,570. Statistics of the number of persons under instruction are not available.

(*c*) Rs. 2,91,204."

Statement referred to in the answer to question No. 6 (unstarred) of the 7th April, 1920, showing the names of candidates who have passed the different examinations in Sanskrit conducted under the auspices of Government, together with the number of unsuccessful candidates during the years 1915 to 1919.

Year.	First Examination.		Second Examination		Title Examination.	
	Successful.	Unsuccessful.	Successful.	Unsuccessful.	Successful.	Unsuccessful.
1	2	3	4	5	6	7
1915 ...	1,551	2,047	911	1,599	342	421
1916 ...	656	811	606	715	284	287
1917 ...	639	890	731	612	308	307
1918 ...	792	777	748	580	365	300
1919 ...	986	1,124	906	731	222	380

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

7.

Communications between Calcutta and Dacca and Dacca and Aricha.

(*a*) Regarding the inquiries referred to by the Hon'ble Mr. Cumming in his reply to the motion of the Hon'ble Maulvi Abul Kasem, at the meeting of the Council held on the 12th August, 1919, on the question of the improved communication between Calcutta and Dacca, has any practical solution been arrived at in the matter?

(*b*) Is it a fact that the Government have addressed the Government of India on the question of a railway line between Dacca and Aricha?

(*c*) If so, will the Government be pleased to state the purport of such communication and at what stage the matter now lies?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) No.

(*b*) Yes.

(*c*) In September, 1919, the Government of India in the Railway Department were asked to communicate their views on the general question of the construction of railways or light railways in the area lying between the Padma and Dhalleshwari rivers, and more particularly on the improvement of railway communication between Dacca and Calcutta, consistent with the protection of the natural drainage and the sanitary condition of the area. After further correspondence the Government of India, Railway Department, in February, 1920, intimated their acceptance of the proposition that an examination of the question of railway extension in that area should be undertaken by a committee consisting of railway, drainage and sanitary expert officers with the co-operation of a representative of the inland steamer companies, and have undertaken to nominate a suitable railway officer to conduct the inquiry as soon as circumstances permit."

By the Hon'ble Babu Bhabendra Chandra Ray:—

8.

(*a*) With reference to the reply to my unstarred question No. 42 of the 5th March last, has the attention of the Government been drawn to the answer to question No. 1 asked at the meeting of the India Legislative Council on the 11th March, 1920, regarding the relative increase in the price of rice in the different districts of Bengal? Increase in the price of rice.

(*b*) Is it a fact that the statement made in answer to the said question shows that there has been no noticeable increase in price this year over the corresponding period of last year in any province except Bengal and Sindh and that there has been actually a decrease in the United Provinces, Punjab and the Central Provinces?

(*c*) In view of the above, how far is the rise in price of rice in Bengal attributable to the change in the purchasing value of money (referred to in reply to my unstarred question No. 41 of the 5th March, 1920) or other non-local factors?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) Yes.

(*b*) Yes.

(*c*) Government adhere to the reply given in answer to the Hon'ble Member's unstarred question No. 41 of the 5th March, 1920 The Hon'ble Member must be aware that the widespread failure of the monsoon in the year 1918 led to famine and distress on an extensive scale in other parts of India with the usual result of a rise in prices. On the other hand, stocks of rice were so plentiful in Bengal before the end of the same year 1918 that it was a matter of anxiety at one time as to how to dispose of them. Therefore Bengal was longer in feeling the full effect of the change in the purchasing value of money or of other non-local factors on the price of rice. In this connection the Hon'ble Member is referred to the following remarks of the Hon'ble Mr. Mant made in the Indian Legislative Council on the 15th September, 1919:—

' The Punjab consumer has suffered from the high price of wheat practically from the beginning of the war. In Bengal, on the other hand, rice prices were so low up to the end of last year that they were a cause of serious anxiety. At the Conference of Registrars of Co-operative Societies held here in August last, the Bengal Registrar said that the solvency of many societies was endangered by the low prices of rice and jute, and in this Council. in September, the Hon'ble the Maharaja of Kasimbazar, as I

reminded him the other day, called attention to the large surplus stocks of rice in Bengal and asked whether we could not do something to find a market for them. Even up to the 8th of July, *i.e.*, about two months ago, the Director of Civil Supplies, Bengal, reported that there was no demand for Burma rice in Bengal, and that the Burma rice shops opened in Calcutta had definitely proved a failure. Possibly the rise in prices is now being felt more keenly in Bengal, because it has come so suddenly.' "

By the Hon'ble Babu Bhabendra Chandra Ray:—

9.

Publication of the recommendations of the advisory committee appointed to consider draft rules in connection with the reforms.

(*a*) Is it proposed to publish the recommendations made by the advisory committee appointed by the non-official members of this Council to consider draft rules in connection with the reforms, for public criticism before they are forwarded to the Government of India?

(*b*) Are the Government considering the desirability of giving this Council an opportunity of discussing the said recommendations before they are so forwarded?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) The attention of the Hon'ble Member is drawn to the reply given in the Imperial Council on the 17th March to a somewhat similar question put by the Hon'ble Mr. Patel. Sir William Marris then remarked, as regards the request for the publication of the proceedings of the advisory committee appointed by the Imperial Government, that—

' It would be neither suitable nor in consonance with the practice in such cases that these reports should be made public.'

The local Government propose to be guided by that ruling in the case of the proceedings of the informal advisory committee selected by the Provincial Council, while as regards the publication generally of proposals relative to the rules to be framed under the Reforms Scheme, the attention of the Hon'ble Member is similarly invited to another reply given in the Imperial Council on the same date, in course of which Sir William Marris remarked as follows :—

' The Government of India will consider when they despatch the rules to the Secretary of State whether they will also publish them for general information for the purpose of affording parties interested an opportunity to lay their views before the Joint Committee. But it is quite impracticable for the opinion of all the various communities and interests concerned to be invited and considered before the rules are sent home.'

(*b*) The Governor in Council does not consider that any such opportunity could be given compatibly with the dates on which the recommendations of the local Government are required to reach the Government of India."

By the Hon'ble Babu Bhabendra Chandra Ray:—

10.

Improvement of the pay and prospects of the navigation establishment of the P. W. D.

(*a*) Has any action been taken for the improvement of the pay and prospects of the navigation establishment of the Public Works Department, since my question on the subject in July, 1918?

(*b*) If so, will the Government be pleased to indicate the features of the revision, the date from which effect has been given thereto, and the total increase in expenditure involved thereby?

(*c*) Will the Government be pleased to state their reasons for not giving effect to the revised scale as from 1914, when a circle cadre was introduced for the benefit of clerks attached to the Executive Engineer's office?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) Yes; proposals were formulated and worked out in December, 1918, for a complete revision of the pay of the navigation establishment of the Public Works Department.

(*b*) The features of the revision proposed in 1918 provided for the introduction of a time scale for promotion in a combined provincial cadre. Effect was not given to these proposals for financial reasons. The increased expenditure involved in these proposals amounted to Rs. 1,100 per mensem.

(*c*) The reason has already been stated in the answer given to unstarred question No. 3 (*b*) asked by the Hon'ble Member at the meeting of this Council on the 3rd July, 1918."

By the Hon'ble Babu Bhabendra Chandra Ray:—

11.

(*a*) Has the special attention of the Government been drawn to the fact that the revised rules of Travelling Allowance as per Government of India, Finance Department, Notification No. 1809, dated the 30th September, 1919, affect prejudicially the Provincial Service officers drawing a salary of over Rs. 200 inasmuch as they are allowed inter class fares on steamer journeys where there are only three classes of accommodation and no second class accommodation? Revised rules of Travelling Allowance.

(*b*) Was it not the intention of the Government of India in issuing the said notification to simplify the rules and at the same time to make them more liberal?

(*c*) Was the attention of the Government drawn to the question put by the Hon'ble Haji Chaudhuri Muhammad Ismail Khan in the Imperial Council and to replies thereon?

(*d*) Are the Government considering the desirability, in view of the reply given by the Hon'ble the Finance Member that " Local Governments have been specially authorised, in cases in which arrangements for accommodation on the steamer make it desirable to raise the class of officers," of raising the class of officers referred to in clause (*a*) in cases where there is no second class accommodation on steamers?

(*e*) Are the Government aware of the existence of a feeling that it is undesirable that Provincial Service second class officers, whose pay is not below Rs. 200, should be classed in such steamer journeys with officers who are subordinate to them?

Answer by the Hon'ble Mr. Marr:—

" (*a*) Officers of the second class, drawing Rs. 200 or more, benefit in comparison with the old rates whenever they happen to travel first class. This is invariably the case when there are only two classes on the steamer. In cases in which arrangements for accommodation on the steamer make it desirable, the Government have been authorised to raise the class of an officer.

(*b*) Yes.

(*c*) Yes.

(*d*) Individual cases will be dealt with under article 1020, Civil Service Regulations, if any instance of real hardship is represented, but the general question will also be further examined.

(*e*) This and the earlier question in the Imperial Council afford some evidence in the direction indicated, but apart from them Government have no definite information."

LIST OF BUSINESS—ITEM No. 3.

DISCUSSION OF THE BUDGET OF THE GOVERNMENT OF BENGAL FOR 1920-21.

The Hon'ble the Nawab Bahadur of Murshidabad said :—

"The point on which I desire to lay special stress is the Muhammadan education. It is needless for me to repeat how backward the Mussulmans are in this province (as also in other provinces) in their education and how badly they need special attention in this respect for their moral and material regeneration. The Reform Act opens a new era in the history of India. The realisation of responsible government depends for its success on the education of the masses and no effort should be spared to spread education among them if we mean to receive full success of the boon now conferred on India. In the matter of education, the Muhammadans are hopelessly behind their Hindu brethren.

The Hon'ble Mr. Hornell in his speech has dealt fully with the question of the establishment of a Muhammadan College in Calcutta. That the establishment of an Islamia College is of vital interest to the Mahomedan community is well recognised. But from the statement of the Hon'ble Member, it appears that the prospect of the fulfilment of the obligation promised long ago is still far remote. It is not known how far the intention of Government to construct a building with Rs. 50,000 to accommodate a first grade college by way of giving a first instalment of the promise will satisfy the fervent desire of the community, as the Hon'ble Member cannot assure that immediate steps will be taken to start the construction of the building. It is admitted that it will take some time to settle the preliminaries, but things done in the ordinary course in Government departments are apt to run the risk of considerable delay.

I gratefully acknowledge that a good deal has been done for developing Muhammadan education, still a good deal more has to be done for imparting education among this vastly backward community. Government have given effect to several measures referred to in their famous Resolution of August 3, 1916. But many of the proposals had to be postponed on account of the war, but now we hope the Government will give full effect to the schemes, both as regards the *primary* and the *secondary* and *collegiate* education.

It is very satisfactory to note that a good sum (Rs. 81,000) has been set aside for the improvement of the private madrasahs, and we trust the demands of those coming forward for help will be met readily and at the end of the year we may see substantial improvements in this respect.

Another point which I wish to put forward for the consideration of Government is this. The Muhammadan population of this presidency consists chiefly of agricultural classes, the majority of whom are very poor. These poor cultivators have to depend on their children at such tender ages as eight or so for help in many minor works, such as tending cattle, carrying meals to fields, etc., and can ill afford to send their boys to schools or madrasahs for education even if they have a strong desire to do so. In these circumstances, in spite of every effort of Government to spread education among the masses, these poor classes of cultivators will seldom have the chance of deriving the benefit of education and their condition will remain as deplorable as before. I would, therefore, urge that Government should take early steps to encourage the establishment of primary night schools and madrasahs, so that these poor classes may have the opportunity of giving elementary education to their children without losing the little service they are compelled under necessity to get from them.

Raja Hrishikesh Laha.

The steady and continual increase in the expenditure under the head "Police" appears somewhat gloomy, and the rate at which the increase has taken place during the years for which the figures are given, if allowed to go on, it is not known what enormous figure will be reached at at the end of the next ten years or so. Since 1916-17 every year shows a large increase over the preceding year, namely, by 10, 6 and 11 lakhs, and during the year for which it is forecasted it again shows an increase of 7 lakhs against the current year. Now a comparison of the figure for 1916-17 with that of the year of forecast (1920-21) shows an increase of 34 lakhs. I may be excused if I make the remark that the increase is abnormal and, as I have already remarked, the rate of increase, if not restricted in some way, will come to such a large proportion within the next ten years or so, that the State will ill afford to bear it considering the other pressing needs of the people for their welfare, viz., Education, Sanitation and several other matters.

Remarkable increases have taken place in the item "District Executive Force" for reasons explained by the Hon'ble Finance Member, but on the other hand under the head "Village Police" the figures show a tendency to curtailment, for which no explanation is given. In villages where robbery and dacoity are of frequent occurrence strengthening the force seems more desirable. The Criminal Intelligence Department shows some improvement in this respect. It is mainly due to the abolition of the extra establishment required in connection with State prisoners and political détenus who have now been set free under the Royal clemency. Still there should be further curtailment which it is expected Government will give effect to now that a thoroughly new road of political activity is inaugurated by the Reform Act.

It is noticeable that there has been a considerable increase of expenditure during the current year owing to the revision of the scales of pay of the Imperial Police Service and provision made in the next year's budget for the improvement of the pay of the Sub-Inspectors and Head-Constables. We hope in the case of the latter officers the increase will be as substantial and liberal as has been in the case of the superior officers. On the other hand, the case of the rank and file of the police force, namely, the Constables, including the village police, remains still unattended. It is of the utmost importance that the question of improvement of the pay of these ill-paid officers should receive the kind attention of Government without any further delay owing to the high cost of living. As a consequence of this, of course, there must be increase of expenditure, but we should ungrudgingly bear it."

The Hon'ble Raja Hrishikesh Laha said :—

"Your Excellency, I beg to congratulate Your Excellency's Government on the prosperity budget which has been presented to the Council. After the rigid economy practised during the last four years, I am glad that so many schemes for the prevention of malaria have been taken in hand. I hope there will be no unusual delay in the completion of some at least of the drainage schemes, so that the country which will be affected by them might derive benefit similar to that from the Magrahat scheme. I am glad to observe that provision has been made for contribution towards the pay of District Health Officers. Under the orders of Government, the District Boards have in their budget provided for the pay of such officers, but as the income of the Boards is moderate, the provision for paying half their salary would be a great help to them. The Boards are now completely in the dark as to how their Health Officers would carry out the sanitary works, and if it involves the Boards in a large expenditure, they would not be able to give effect to them. We want a declaration from Government whether in such a contingency the Government would come to their help and, if so, in what way.

There is a proposal to establish four laboratories in different parts of the presidency for the analysis of food and water. But I consider this number

to be too small for the purpose. Instead of four, we ought to have more of them in various parts of the province with a view to decrease the ravages of many kinds of disease, the causes of which may be traced to adulterated food and impure water. They would prove a great blessing to the people of the country who from ignorance of hygienic principles eat and drink whatever comes in their way. It is a happy idea that Rs. 50,000 has been provided for the establishment of a Publicity Bureau to educate the people in matters of public health.

It is indeed gratifying to observe that Rs. 33,60,000 has been fixed for the ensuing year for the development of primary and secondary education. Only Rs. 1,00,000 has been provided for primary education in the mufassal, but it is only intended for those municipalities which would be in a position to avail of it under the Bengal Primary Education Act. My friend, the Hon'ble Mr. Hornell, has not, however, indicated in his speech whether any portion of the amount could be distributed to the District Boards which are also in a position to establish primary schools for the furtherance of upper and lower primary education, as there are many places where no schools have been established owing to the poverty of the population. I hope Government would reconsider this matter and place some fund at the disposal of the Boards for this purpose.

The long-felt want of a technical school is going to be removed, as the Technical School Committee has already recommended a site at a convenient position in Calcutta for the construction of the necessary building so as to accommodate approximately one thousand students. Government have provided Rs. 6,00,000 for the purchase of the site and a further Rs. 2,00,000 for the construction of the building which, I hope, will be commenced as early as possible, so that the school may be open at the end of 1921, or earlier, if possible.

I am glad that agricultural development has also received due attention. Four new district agricultural farms are to be established at a cost of Rs. 1,10,000 in pursuance of the scheme for better distribution of improved paddy and jute seed. This is a step in the right direction, as the agriculturists are too conservative, and as they are steeped in ignorance and poverty, they are very reluctant to accept any reforms unless it is demonstrated that they would be able to grow four blades of corn where they now grow one; and I have no doubt they will avail themselves of these advantages. In spite of adverse circumstances, some efforts should be made for the cultivation of cotton on an extended scale with a view to make us independent, in course of time, of obtaining our supply from the sister-provinces, as the mills for manufacturing cloth are gradually increasing. I hope this will receive the favourable consideration of Government.

Last year, there was a provision of Rs. 50,000 for the erection of residences for additonal Sessions Judges and Munsiffs, but this year they have been left out entirely in the shade. As most of the latter have to live in wretched huts, the scheme for providing them with pucca buildings should be steadily followed every year, preference being given to those places where pucca buildings are not available, and there are still many such places in the mufassal.

As it is stated in the memorandum under the head of Superannuation, that 'owing to the improvement of the existing rules relating to superannuation and the retiring pensions of gazetted officers in certain of the civil services, recently sanctioned by His Majesty's Secretary of State for India in accordance with the recommendations of the Royal Commission on the Public Services in India,' it is, I think, incumbent upon Government to take into consideration the pensions of members of the Provincial Civil Service

who are drawing less than Rs. 300 a month, as they find it impossible to make two ends meet owing to abnormal rise in the prices of the necessaries of life and the excessive cost of living generally. They have devoted the best part of their lives to the service of Government and have to maintain a position which is not possible under the present economic strain. I hope Government will consider their case favourably.

A welcome feature of the budget is the allotment of Rs. 1,000 to 'meet expenditure in connection with the examination of *Vaishnab* Philosophy.' I have no doubt the effect of the institution of this examination will be highly beneficial inasmuch as it will furnish a stimulus to a deeper study of the philosophic principles underlying a cult professed by no less than 150 millions, or more than half of the Hindu population of India."

The Hon'ble Mr. Phelps said :—

"My Lord, I have no criticisms to offer; on the contrary I congratulate the Government on the statement showing increased expenditure on so many useful objects.

I desire, however, with Your Excellency's permission, to offer a few observations and suggestions which may serve to keep alive some interest in certain matters.

It is interesting to observe that on account of the enforced economy caused by the war, large balances have resulted which enables the Government to devote a large sum to extra expenditure in the coming year and yet leave a very large balance unspent.

Another interesting item is the increase of revenue by no less a sum than eight lakhs, under the head of Registration, 'mainly due to the abnormal increase in the value of house property in Calcutta,' and one wonders whether this could not be utilised in some way; for instance, by providing interest on a larger sum, which might be spent in the acquisition of cheaper lands for the benefit of those poorer people who have suffered by the speculative operations of the rich. Your Excellency's Government have no doubt already noted the unanimous recommendation of the Rents Committee to acquire land for building sites.

There is another matter, which is bound up with the development of Calcutta, and I am sorry to say does not appear to have reached a definite stage of advancement. I allude to the Grand Trunk Canal project. This pigeon-holing seems to me to have been thinly veiled under the Hon'ble Member for Finance's statement that 'owing to the paucity of superior officers, works in connection with waterways and drainage projects for which provision was made in the current year's budget are not likely to be undertaken, which accounts mainly for large savings under Minor Works and Navigation'. But the Grand Trunk Canal is not a minor work. In its first inception it was regarded mainly as providing a short route to Eastern Bengal; but of late years the project has assumed another added importance, inasmuch as it is so intimately bound up with the schemes for a greater Calcutta. I have visions of some day, when the spoil earth thrown out by giant dredgers will fill in the low-lying lands in the vicinity, and provide building sites for a new and healthy suburb, where tired denizens of the city will be able to approach their havens of rest by their own motor-boats. By the same token the cost of this project might be reduced by the sale of developed lands. I think the public have some right to expect some definite pronouncement on the Grand Trunk Canal scheme after all these years of waiting, and I hope this matter will receive the serious attention of Government.

Another matter in which I am interested is the use of the Kinema in education. I am quite aware that our educational quidnuncs are disposed

to think that the education imparted through the medium of the Kinema is superficial. It may be; but it may for that very reason prove very valuable because of the incentive to imagination, and in affording the relief of colour in the drab lives of poor people whose horizon is so very limited.

I had occasion to call attention to this matter last year. It is not a mere passing fancy on my part, and I do not speak without knowledge, for in my capacity as one of the film censors I have been much impressed with the avidity with which young India flocks to the Kinema shows. Unfortunately, the material shown is often unsuitable for the class of people I have in mind; but educational authorities in England and America are keenly alive to the educational qualities of moving pictures, and are doing much by way of producing films specially calculated to serve the purpose of educating the young mind in nature studies, in hygiene, in healthful exercises, in the care of the body, in manners and deportment, in housing, in industrial occupations and a thousand good things which may be practised or acquired even by the illiterate. The Health Officer of the Corporation and the Sanitary Commissioner of Bengal are already turning their attention to the collection of suitable subjects in their own sphere of interest, and I know that Mr. Madan and Mr. Ducasse will be only too pleased to help with their resources to produce films of local interest.

Just think for a moment how even an ignorant person may be made to understand ideas in a few minutes which would take hours and days of painful study to assimilate from books. It is said that the knowledge gained is superficial. If you want to prepare a field for cultivation your first care is to clear away the jungle and prepare the earth for the good seeds. In like manner we want, in an uncultivated mind, to clear away the rank weeds of ignorance and superstition and then set about real cultivation. I claim that the Magic Lantern and the Kinema would do wonders in teaching the young minds to think, in stimulating curiosity and the desire for knowledge, and to suggest some ambition to excel in some occupation which will enable them to earn a good living, or may be to improve upon old methods.

I commend these simple ideas to Your Excellency's Government. There is no abstruse problem involved, but a few inquiries in the right quarter might be the means of starting a little scheme which would grow and probably expand into something great and good."

The Hon'ble Mr. Hindley said :—

"My Lord, it is a matter for satisfaction that the budget gives an indication of the desire of Your Excellency's Government to push on with the construction of the new Howrah Bridge. I find that provision has been made for the payment of fees to two eminent engineers in connection with the designs of the new bridge, and I take it that this means that some progress is being made. Much attention is now being directed to the pressing problem of the congestion in Calcutta and the economic difficulties caused by competition for the available house accommodation. The legislation now being undertaken will no doubt relieve some of the immediate difficulties, but it can only be regarded as an emergency measure and cannot provide any permanent remedy. The only practical remedies which will ensure against a recurrence of the same difficulties in the future are the methodical extension of the city into the outlying areas and the provision of means of rapid communication with those areas. Your Excellency's Government have no doubt recognized the necessity of adopting these remedies, and we have numerous evidences of Your Excellency's personal interest in the future development of Calcutta on broad lines.

Mr. Hindley.

The temptation to leave posterity to solve its own problems is great, and we are sometimes led to think that our present day problems would have been easier of solution had our predecessors exercised more foresight and had they considered themselves trustees for the future.

The problems of traffic in this city with which we are now faced and with which the Calcutta Communications Committee are now grappling, as well as the difficulties which necessitated the creation of the Calcutta Improvement Trust, are the outcome of a shortsighted policy, or perhaps I should say the want of any policy in the past in connection with the lay-out and width of our streets.

It is the paramount duty of the present generation to see that the further expansion of our city is planned on such lines that never again in the future will there arise an emergency such as that with which we are now faced in the housing problem. To secure this end, in my opinion it is imperative that a comprehensive scheme of expansion and development of the suburban areas should be prepared without delay and co-ordinated with all feasible methods of passenger transit into, out of and within both the urban and suburban areas.

One of the most important works in this connection is the provision of a through main roadway from Calcutta to the district of Howrah, where there is a large area of good land awaiting development at no great distance from the heart of the city. This necessitates the immediate rebuilding of the Howrah Bridge and the provision of a well laid out network of roads connecting with it on the far side of the river. It is unfortunate that the war has impeded the progress of this work and as an engineer I may perhaps be pardoned for viewing with some impatience the rather cautious way in which Your Excellency's Government are dealing with the proposals for the new bridge.

The present bridge has long ceased to provide adequate means of communication between the two sides of the river, and as a structure, it is rapidly nearing the end of its normal life.

In 1909 the necessity for replacing the bridge by an improved structure was recognized as being so urgent that the Port Commissioners, who are entrusted with its maintenence, appointed a Committee of the most prominent engineers in the city to select firms from whom designs and tenders should be called for and to recommend the general design to be adopted.

In 1912 the designs received as the result of this action were considered by this Committee who in the following year determined on a modified specification for a floating bridge which they were satisfied would meet all requirements. I understand that this specification was submitted to Government and was sufficiently complete to enable tenders to be called for from bridge building firms, and if the war had not interfered with all further progress, I imagine that by this time we should have had our new bridge.

From this point the responsibility for further progress rested with Government, and it was unfortunate that the delay which the war caused gave an opportunity for another expert to come on the scene who was in favour of a single span design as against the floating bridge design previously accepted as satisfactory. The subsequent history of the matter or all that

is known to the public is contained in the following letter from Your Excellency's Government to the Bengal Chamber of Commerce :—

'The report of Mr. Basil Mott, who visited Calcutta in the cold weather in 1916-17, was not received until November 1918. Mr. Mott's report, which was in favour of a single span bridge was not sufficiently detailed to enable the Bengal Government to come to a decision on the matter at issue; and therefore subsequent negotiations regarding the preparation of more complete technical details were made. It is understood that Mr. Mott will visit Japan during the present winter, and negotiations are also in progress with a view to invite him to come to Calcutta and discuss matters personally and give his views to the professional advisers of Government.

(2) On the other hand, negotiations have been made with Sir Bradford Leslie for the submission of complete drawings for a floating bridge; and it is expected that these will be received during the current calendar year.

(3) It will thus appear that Government are desirous of obtaining the fullest particulars regarding both types of design, namely, a single span arch bridge and a floating bridge, before coming to a decision as to which type of bridge would combine most advantages under the modern conditions of the Hooghly.'

I do not wish to criticise the desire to explore every possible alternative before coming to a decision on this most important matter, but I think it is legitimate to ask whether it is likely that the best scheme in such a case would emanate from the engineers who formed the Committee who reported in 1913 or from either of the two eminent engineers who are now being consulted. On the one hand, we have engineers at the head of the profession in India and with many years' experience of local conditions and practical experience of bridge building, namely, Sir Robert Highet, Sir Robert Gales, the late Mr. John Scott and Mr. McCabe. On the other hand, we have Sir Bradford Leslie, who retired from India in 1887 and is now approaching his 80th year, and Mr. Basil Mott, who has already given one opinion which it has been found necessary to ask him to elucidate by giving another.

I wish to pay every respect to the venerable Engineer, Sir Bradford Leslie, to whom Calcutta owes one of its most precious of ancient monuments, the present Howrah Bridge, and if a floating bridge is built over the Hooghly I believe it will be largely due to his energetic advocacy of this type of bridge. But my Lord one is tempted to ask if there are no engineers left in India.

The engineers of India have never yet found a river which they have not been able to bridge, and I venture to say that if a river similar to the river Hooghly had stood in the way of a railway project, the railway would have taken it in its stride.

The Technical Advisers to Your Excellency's Government appear to want a little heartening up in the matter, and if they want a practical suggestion, I respectfully suggest that the specification prepared by the Committee of engineers in 1913 be made public and that tenders be called for in accordance with that specification from experienced firms of bridge builders in Great Britain and elsewhere.

I believe that the adoption of this course would result in Calcutta being provided with a new bridge 12 months earlier than under the present proposals, and I recommend it to Your Excellency's Government as one important step

towards the expansion of Calcutta and the removal of the congestion which is causing so much public concern to-day."

The Hon'ble Rai Sri Nath Ray Bahadur said :—

"My Lord, since my election to this Council, the irrigation and improvement of canals and khals in East Bengal have been the principal matters to which I have earnestly tried to draw the attention of Government by repeated interpellations. On several occasions, I had the honour of addressing the Council on the importance of this subject. But the Government do not appear to have paid that amount of attention to it which it deserves. Last year the Government allotted Rs. 50,000 for the Dolai and Tulsi khals in Dacca. But now I understand that no action was taken to give effect to the proposal, which is very much to be regretted. In reply to my last year's budget speech the Hon'ble Mr. Cumming was pleased to say 'that experience has shown that in the commencement of such projects as the Dolai khal and the new navigable route from the Pudma to the Dhalesvari expenditure cannot proceed at a rapid rate; and the amounts which have been allotted for the present financial year are meant primarily for land acquisition and other preliminaries.' During the last Dacca session, I interpellated the Government to consider the desirability of establishing a waterways division in East Bengal with Dacca as its headquarters. The Hon'ble Mr. Cowley on behalf of Government replied that 'the question has already been receiving the attention of the Government and that when the projects investigated by Rai S. N. Banerjea Bahadur mature, the maintenance of such projects will form the nucleus of a permanent waterways division.' But absolutely no provision has been made in this year's budget for those khals and nothing has been done to establish a waterways division at Dacca. I am glad that a waterways division has recently been established at Khulna, but the waterways of East Bengal, which stand in need of immediate improvement, have been left entirely in the cold. The attitude of the Government towards this much-needed reform seems to be incomprehensible.

My Lord, I have been insisting on this matter for a long time and for very good reasons. The canals and khals of East Bengal are gradually drying up to the very great inconvenience of the people to whom they are the only mode of communication. The improvement of these waterways is also necessary for the purposes of irrigation and sanitation. The Government must be fully aware of the havoc caused by malaria and kindred diseases in our country. We are thankful to Your Excellency that the improvement of public health forms one of the principal items of reform of the present Government. I venture to say that if the Government were more attentive to the subject, East Bengal would have been comparatively less liable to the annual ravages of cholera and malaria than at present.

My Lord, the difficulty and hardship experienced by people in travelling over my part of the country with canals and khals gradually silting up are possibly not fully appreciated by the Government. For some time past railway projects in the Dacca district are in the air such as Dacca to Aricha *viâ* Manikganj and Munshiganj to Aricha. It may be that on account of these projects the Government have put off the question of improving these canals and khals. Railways, my Lord, are good in their own way, but they should not be allowed to interfere with the scheme for improving the canals and khals. Improvement of waterways will benefit a much larger area and serve a greater number of people, especially the agriculturists, than the Railways. East Bengal is principally a land of rivers and khals and railways can never by themselves solve the difficulty of communication. If the Government cannot on financial consideration give effect to both at present, it is desirable that the railway projects should be postponed.

Rai M. C. Mitra Bahadur.

On my last year's budget speech the Hon'ble Mr. Cumming was pleased to say 'that the levy of toll on all boat traffic in these water channels is indefensible on principle.' I never suggested any tax on all water channels but on 'silted-up khals only.' I may mention here that such a tax even now is levied on boats that pass through Dolai khal. I reiterate what I said last year that nobody will grudge a small tax if khals are improved. On the contrary, people will consider a freely navigable canal a great boon even if a toll is levied, as they now have to incur greater expenditure and experience greater inconvenience due to the khals becoming gradually silted up.

My Lord, last year I objected to the spending of a huge sum for building magnificent hostels, etc. I am glad the Government have set apart a much lesser sum this year for that purpose. But I must affirm what I said then, that we do not want imposing hostels furnished with unnecessary costly paraphernalia. For the boarders being mostly boys of poor parents imbibe habits of luxury which are apt to spoil their careers in life.

My Lord, I view with alarm the general increase in the pay and pension of the Indian and provincial services in the country. This increased expenditure will be a great handicap on our province which will occupy financially a very weak position when the Reformed Councils will come into existence. Besides, when we expect the higher departments of the public service to be gradually Indianised there is no reason why the emolument of these services should be enhanced. In no country of the world are the Civil Services in receipt of such exorbitant salaries, and in a poor country like India with the calls upon its purse for various measures of social reform, a retrenchment in this direction is specially desirable and necessary. But I nevertheless plead for the betterment of the prospects of the subordinate services and the ministerial establishments. They can ill afford to stand the stress of high prices. I am sorry to observe that the Government are not paying that attention to these poor servants of State which they deserve.

My Lord, we have long been praying for a Medical College and Agricultural College at Dacca. Now that the Dacca University Bill has been passed incorporating these two colleges, we earnestly appeal to Your Excellency's Government to establish these colleges as soon as possible."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, it is customary in the Council to be permitted to speak on the various items in the annual budget estimates. I have to offer a few remarks on the several heads provided therein.

Head No. 22.—The total amount of expenditure is Rs. 19,39,872.

It is a matter of satisfaction that there is a provision of Rs. 6,00,000 for a technical school site and Rs. 31,000 for a technical school hostel at Kanchrapara. There is a further proposal for the opening of manual training classes in 20 classes. On the head of Primary Education in the mufassal, the provision of 1 lakh is insufficient, but the result of the discussion in the Council is very cheering. The provision of stipends to pupil-teachers is not encouraging. On the general head Education, I may, be permitted to say that the secondary education schemes, which have been sanctioned for Bengal, Bihar and Orissa, contemplate the creation of a District Inspector in the

Rai M. C. Mitra Bahadur.

Provincial Service in each district, the posts of Assistant Inspector being absorbed in the new grade (*vide* Progress of Education of India of 1912). In the budget estimates this is lost sight of.

By the promotion of a number of officers in the Lower Subordinate Education Service in connection with the improvement of secondary education, a large number of poorly paid deserving officers have got an increase of pay for which thanks are due to Government. We notice that a small number of men, viz., clerks in the offices of the Inspectors of Schools and of the Deputy Inspectors of Schools as well as Assistant Sub-Inspectors, remain unpromoted. Their cases deserve the consideration of Government, and Government are solicited to take immediate steps to alleviate their distressed condition.

I understand a scheme has been made and sanctioned by Government for providing a new and improved type of *guru*- and *moallim*- training schools with subordinate teachers on Rs. 30 per month. There are schools of this type at Hooghly, Bankura and some other districts, but the subordinate teachers are not getting Rs. 30 per month. They are now drawing Rs. 18 per month. There is a large number of *guru*-training schools in the province which are proposed to be gradually abolished with the establishment of a new and improved style of schools but at the rate at which these are being established now, it is clear that it will take a long time to abolish the existing schools. The salary of the teachers of the schools is most wretched. Most of the teachers hold permanent appointments. The question is—What is to be done for the increase of the pay of these officers until the abolition of the schools.

24B—Sanitation.—I congratulate Government for providing a large sum on the head Sanitation. Since I have joined the Council, as a representative of the District Boards of the Burdwan Division, the aim of Government has been to steadily increase the expenditure on Sanitation. The public cess and augmentation grant have been made over to District Boards. There is a good deal of enthusiasm in local bodies to appropriate adequate sums for excavating tanks. Had it not been for the provisions in section 90 of the Local Self-Government Act, the efforts of the District Boards would have been more successful. The Village Local Self-Government Act has been hailed with delight by the rural population. We expect the co-operation of the absentee zamindars in this matter. Government have taken a great deal of interest in sanitation, and the people of Bengal are thankful to Your Excellency's Government. The Village Local Self-Government Act is a great sanitary measure. The responsibility lies upon the people themselves in looking after the sanitation of their own localities.

Regarding the provision of Rs. 12,500 on the head River Pollution, I have a few words to say. I am told that Government are making inquiries on the subject. I trust the result of these inquiries will be favourable to the strong view which I take for stopping the discharge of septic tanks in to the river. My Lord, ask any man who lives in the riparian municipalities and he will tell Your Excellency that the pollution of the river is chiefly due to the discharge of septic tanks. There were 39 mills in existence and recently many more have been added.

Your Excellency's Government are taking steps to drive away malaria from Bengal. Silted rivers are the depository of stagnant water, unhealthy tanks and *dovas*, want of drainage of villages are a standing nuisance from a sanitary point of view.

In the Burdwan Division the river Saraswati needs looking after. I notice that only Rs. 40,000 has been kept in the budget from the Imperial grant. The Bengal Agricultural and Sanitary Improvement Bill is an effort on behalf

of Government to make Bengal free from malaria and insanitation. The people of Bengal are much indebted to Your Excellency's Government for this measure."

The Hon'ble Babu Sarat Chandra Chakrabartti said :—

"My Lord, as I had had no opportunity of being present in this Council during the debate on the budget in its earlier stages, and as according to the rules of business I am precluded from moving any resolution regarding the modification or inclusion of any item of expenditure at this final stage, I will content myself in bringing to the notice of the Council and Your Excellency's Government a few matters which affect the part of the province from which I have the honour to come.

The districts of Dacca and Mymensingh are interspersed with some big rivers such as the Bramahputra, Jamuna, Padma, Dhaleswari, Buriganga and Lakhya and innumerable small rivers and khals. The Brahmaputra is well nigh dead and the others including the mighty Padma are showing signs of rapid decay. The river Buriganga, upon which the city of Dacca stands, has largely silted up during the last 30 years and the portion of the river up the city to its source from the Dhaleswari remains closed to all sorts of traffic for six months in the year. The condition of the Dhaleswari itself is the same, so that even small country boats cannot pass throughout for about seven months in the year. The health and prosperity of the rural areas depend upon these rivers. The question of water-supply is also intimately connected with them. Two years ago an Executive Engineer was deputed to Dacca to make investigation and formulate schemes for the improvement of some of the rivers. After the completion of his work he has been transferred elsewhere, and it is not known what became of the schemes. It is not possible to conceive the disaster that will follow the extinction of the rivers. It is for all these reasons a River Improvement Division, with an expert engineer at its head, is very urgently needed at Dacca, and I request Your Excellency's Government to kindly consider whether it will be possible to do so during the course of the year and before it becomes too late

It is well known that the city of Dacca has very highly congested areas. Its sanitary condition is also not what it should be. Its population in 1872 was 68,595 and in 1911 it was 108,551, and taking 10,000 as the average rate of increase in a decade, its population is now probably about 118,000. With the establishment of the University its population is likely to rise to about 125,000 in the near future. With the exception of one or two thoroughfares, the rest of the streets and lanes are too narrow. They are almost of the same width as they were perhaps in the days of Islam Khan, Mir Jumla and Shiasta Khan. The increase of wheeled traffic including motor-cars has made these narrow and tortuous streets and lanes positively dangerous to foot passengers. The underground sewerage, which has just been commenced, will only partially solve the question of a complete system of efficient drainage. There are quarters in the town in which filth of ages have accumulated without any prospect of removal. Insanitary ditches and *nalas* full of stagnant water and discharges from drains breed mosquitoes for which the city is notorious. Notwithstanding all these drawbacks the town is spreading north-east and west and innumerable buildings are being constructed every year in the midst of highly congested areas. There is no building regulation, no systematic plans of house building and laying out of surface drains. Distances with the spreading of the town are becoming great every year with no means of communication. Tramway lines are impossible through the narrow and twisted streets. With the establishment of the University the difficulties of communication will be felt much keener. An Improvement Trust under these circumstances is urgently necessary. It will not be a losing concern at

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all as demands for lands are great which are bought and sold at high prices. The sale of excess lands are likely to cover all outlays. I would therefore request Your Excellency's Government to seriously consider the feasibility of an Improvement Trust for the city of Dacca which boasts as the second capital and city of the province.

My Lord, the people of Dacca are glad that the Dacca University Bill has been passed into law, and that the University is going to be started within a short time. The people of Dacca are pressing for the establishment of a Medical College, an Engineering College and Agricultural College and a Technological College in connection with the University. In their opinion the University without these colleges will not give them anything more than what they have got. This no doubt will be the case if the University is started with the existing colleges only. The quality of education imparted in a residential University may be a great asset, but the great problem of supplying suitable vocations to our youngmen will not be solved unless the aforesaid colleges are established. I hope and trust that endeavours will be made to start these colleges soon after the University comes into being.

The rural areas in Bengal are notorious for insanitation and epidemic diseases, such as cholera, small-pox, influenza and malaria. The people suffering from these diseases either go without any medical relief or are at the mercy of quacks or untrained village doctors. The District Boards are supposed to be supplying medicines and doctors, but it is impossible to expect that with the limited resources at their hand they would be able to cope with the demand. The establishment of dispensaries means a great initial expenditure, and the cost of maintenance of such dispensaries is also very great. Unless some schemes are formulated to train doctors of a lower qualification and establish dispensaries of a cheaper type, it will be impossible for the District Boards to provide medical relief to any appreciable extent. A proposal was made some time ago to impart medical education in vernacular. I am not aware what became of that proposal, but I think this is a very good suggestion for having a class of medical men who, with a shorter period of training and in lesser number of subjects, may be trained in schools specially established for the purpose. Schools for training these class of doctors may be opened in such mufassal districts where there are suitable hospitals. One such school may be started at Mymensingh where a fine building has lately been constructed. I have no doubt that the zamindars of Mymensingh, who have always been known and respected for their liberality, will not be slow to endow an institution which will do such immense benefit to the rural population. The course of training may extend to two or three years, and some of the branches in which the students of the Campbell Medical School and the Dacca School of Medicine are taught may be omitted. In such a case the cost of maintenance of such schools may not be great. I am fully aware that medical men of low qualification may not be a very desirable class of persons. But if we consider the vast number of people who suffer and die without any medical help, then doctors of a lower type of qualification may be considered a boon. Moreover, these doctors after leaving the school will no doubt improve their status and knowledge by experience and private studies. Hospitals too of a cheaper and less elaborate type costing much less initial expenditure may be established throughout the country. For all these considerations I will earnestly request Your Excellency to make an experiment of two or three schools of this type in some of the mufassal districts during the course of the year.

A railway line from Dacca to Aricha opposite Goalundo is a thing for which the people of Dacca are making repeated and earnest prayer for more than 30 years. Owing to the silting up of the rivers Dhalleswari and Buriganga there is a total want of any means of communication between Dacca and the western part of the district for the greater portion of the

year. Sufferings of the people, who have once to make a journey to this part of the Dacca district, know no bounds. The necessity of a railway line between Dacca and Aricha has been admitted on all hands. There is no doubt of a financial security and profit. So long it was suspected that the sanction to the construction of this line was withheld for the benefit of the India General Navigation and the Rivers Steam Navigation Companies, who have got the monopoly of traffic between Narainganj and Goalundo by steamers and who, it was feared, would lose the huge profit they now derive if a railway line between Dacca and Aricha were opened. which means a much shorter and cheaper route. Recently a new objection has been raised, namely, that the proposed railway line would contribute to the insanitation of the area through which it would pass by obstructing the free passage of water. A deputation of the residents of Dacca, which waited upon Your Excellency in August last, thoroughly explained to Your Excellency the hollowness of this novel objection. A very rich man of the Dacca district has asked for sanction to float a company for this railway. The District Board of Dacca has recommended and the Divisional Commissioner has lent his support to it. It is about a year since this requisition for sanctionh as been forwarded to Your Excellency's Government, but it is not known whether it has been rejected or forwarded to the Railway Board. The construction of this line will open up a vast area of the district which remains closed to all sorts of traffic for more than half the year. It will tap a very rich jute-producing tract and command a passenger and goods traffic, which will make it a highly profitable concern. It will make the journey from Dacca to Calcutta shorter by several hours. By according sanction to it the Government will risk nothing and lose nothing. Yet it is not understood why the Government is still hesitating. I humbly pray Your Excellency will give your personal attention to this matter.

The little town of Munshiganj, which is the headquarters station of the Munshiganj sub-division in the district of Dacca, is full of insanitary ditches, so much so that it has been found impossible to initiate a regular conservancy system there. Mr. Birley, the then District Officer of Dacca, sent a scheme to the Sanitary Commissioner on the 7th January 1914 for the improvement of the sanitation of the Munshiganj town. After the inspection of the town by the Deputy Sanitary Commissioner, the Sanitary Commissioner requested the Sanitary Engineer to arrange for the necessary survey works and prepare an estimate. Accordingly a scheme was prepared with an estimate of Rs. 29,130. It was then arranged by Mr. Birley that the District Board would provide Rs. 10,000 and the Government would be asked to contribute the remainder of the estimated cost, namely, Rs. 19,130. A requisition was accordingly sent to the Sanitary Board through the Divisional Commissioner for the sanction of the scheme. But the Sanitary Engineer, who is also the Secretary to the Sanitary Board, intimated the Divisional Commissioner by his letter No. 344 S.—B., dated the 5th November 1915, that, in view of the financial situation prevailing at the time, the Board did not consider that time as opportune for recommending the sanction of the Government to the scheme which required so large a proportionate grant from Provincial revenues. Since then the project has been kept in abeyance. I would now request Your Excellency's Government to consider whether the time has not come when the contribution might be made from the Provincial revenue so that the scheme might be taken up.

The insanitary condition of the subdivisional area of Manikganj in the district of Dacca and the town of Tangail in the district of Mymensingh is too notorious to recapitulate. It may suffice to say that the former is the hot bed of malaria, cholera and influenza, so much so that its death-rate far exceeds the birth-rate. Its natural drainage system has been much affected by the gradual silting up of rivers, khals and bils. With regard to Tangail, it may be remembered that while the question of a headquarters station of a new district was considered by the Government, the town of Tangail, although

it was in other respects found to be a suitable place, was discarded mainly on account of its highly insanitary condition. Attention of the Government has been drawn by an Hon'ble Member of this Council to the insanitary condition of the subdivisional area of Manikganj and the town of Tangail. I would therefore request the Government to undertake to make a sanitary survey and prepare schemes for the sanitary improvement of these two places.

It may be within the memory of the Council that the District Administration Committee recommended the partition of the district of Dacca into two. They recommended that the sadar and Manikganj subdivisions should remain as one district with its headquarters at Dacca, and that the Narainganj and Munshiganj subdivisions should form into another district with with its headquarters at Narainganj. There is no knowing whether the proposed partition should at all be undertaken and, if so, when. It is now understood that the local authorities have recommended the partition of the district on another basis. In their opinion, it is understood the best way to partition the district would be to keep the sadar and the Narainganj subdivisions together with Dacca as the headquarters and to make the Munshiganj and Manikganj subdivisions into another district with a new headquarters to be selected by them. My Lord, I am not in favour of either of these two basis of partition nor in favour of the partition itself. The principal argument of the District Administration Committee in recommending the partition was on the assumption that the charge of the district upon one District Officer was too heavy. Admitting that it was so in 1912 and 1913, it is to be considered whether it is so in 1920 or will it be so a few years hence when the partition may at all be taken up in hand. Recently the District Officer has been given much relief by the appointment of a non-official Chairman of the District Board. Much of the function of the District Officer devolves upon the Additional District Magistrate. The heavy expenditure that will be required to make a new district headquarters and the recurring charges of maintaining a new district will far outweigh the consideration of a supposed efficiency of administration by having two districts instead of one."

[The Hon'ble Member having exceeded the time-limit had to resume his seat.]

The Hon'ble Sir Nilratan Sarkar said :—

"Your Excellency, I desire to offer my sincerest congratulations to Your Excellency's Government on the practical accomplishment of the long-pending scheme of a teaching and residential University at Dacca for which a substantial allotment has been made in the budget for the present year. There is an almost unlimited scope for expansion of facilities for higher education in the country. We all hope that the foundation of a second University in Bengal will help the diffusion of knowledge to the widest possible extent in the presidency. I trust that in addition to the Faculties of Arts, Science and Law the Dacca University will have the Faculties of Medicine and Agriculture in the near future.

Another important matter in which Your Excellency's Government have taken a decisive step forward is technical education. During the short space of a year two schemes having for their object the imparting of education in mechanical engineering may be said to have materialized. These are, first, the Kancharpara Apprentices' Tenchnical School, started by the Eastern Bengal Railway authorities, at which provision has been made for training of a number of Indian and Anglo-Indian youths and, secondly the Technical Institute to be started in Calcutta, which the Hon'ble Mr. Hornell expects will eventually develop into a fully equipped technological institute. The grants made in the present budget for both these schemes, as also for

the Engineering College at Sibpur, show that Your Excellency is determined to wipe out the charge levelled against Government of continued neglect of one of the most important branches of education.

I cannot, however, congratulate the Department of Public Instruction on the provision for the education of girls in the province. It is true that a sum of Rs. 10,000 has been allotted for the establishment of a Central Pardanashin Hindu School in Calcutta and another sum amounting to Rs. 50,000 for the improvement of Bethune College, but those allotments are quite inadequate. They fail to satisfy even a fraction of the present needs. The results of the experiment of a Pardanashin School will be awaited with interest. With reference to the grant for the Bethune College, the Hon'ble Mr. Hornell, in introducing the Education Budget, said that it was proposed with this amount to relieve the existing congestion in the class-rooms by means of buildings of a temporary nature and to carry out some expansion of the work of the college. We have no information about the nature of the expansion of the work of the college that the Director of Public Instruction has in view, as also the amount that will be available for the purpose after the congestion in the class-rooms has been relieved. It appears to me, however, that the most pressing need of the college is the provision of teaching of physics and chemistry in the intermediate stage. The absence of such teaching is actually preventing many of our women-students from joining our medical colleges.

Your Excellency, it would serve no useful purpose if I were to recite a long list of the needs of the Calcutta University. We are all grateful to Government for the additional grants that they have made to the University. My excuse for pressing upon Your Excellency's notice some of the wants of the University, is that they are of the most urgent nature. One of these needs is additional accommodation. The fish market has been acquired for the University but we have no funds to begin building operations on it. The accommodation for the post-graduate classes is most inadequate; the library needs expansion and the press requires more space ; and what is more serious it will not be possible for us to utilize properly Sir Rash Behari Ghosh's recent princely gift so long as funds are not available for providing further accommodation for the extension of the work of the University College of Science. I appeal to Your Excellency with all the earnestness at my command to come to the rescue of the University and thus remove the impression created in the public mind, which ascribes the financial straits of the University to the unfriendly attitude of the Local Government.

In this connection, I would like to invite the attention of Government to a small matter. It appears that while the Presidency College and the Calcutta Medical College are allowed to use alcohol duty free for their laboratories, the University College of Science is treated in a different way. Is it too much to expect equality of treatment for the University College of Science with the other two colleges ?

While thanking Your Excellency's Government for the new allotments in this year's budget under the head "Medical," and particularly for the grant of 4 lakhs to the Carmichael Medical College, I cannot help observing that the provision for meeting the growing demand for qualified medical practitioners in Bengal is not at all commensurate with the requirements of this presidency. The establishment of a medical school at Burdwan would, of course, afford some relief, but this touches merely the fringe of a vast problem. In a statement supplied by the Bengal Council of Medical Registration to the Calcutta University Commission, it was shown that in March, 1919, outside Calcutta, leaving out of account the holders of English medical degrees, and the small number of medical men employed on tea-gardens, jute-mills, coal-fields, etc., there was only one medical graduate or qualified practitioner of

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'the assistant surgeon class' for every 181,000 persons, and one of 'the sub-assistant surgeon class' for every 48,000 persons. The number of registered practitioners of both classes was one for 38,000 for Bengal outside Calcutta and Bihar and Orissa. These figures tell their own tale. It has, however, to be noted that the field of medical practice is not vacant. The province is overrun by a large army of quacks and non-descripts, and in view of the recent recrudescence of reactionary tendencies in certain quarters, which unfortunately receive at times support from Government, it is imperative that efforts should be made to multiply as quickly as possible the number of medical schools for instruction in the scientific system of medicine. The time is opportune, and any scheme that Government may adopt for the wider spread of medical education may be expected to receive hearty co-operation from non-official members of the medical profession and material assistance from the general public. In the absence of any definite schemes the spirit of co-operation is likely either to stagnate or generate futile but mischievous rivalry and the sources of material help are likely to be diverted to other channels. I submit that such schemes need not be very expensive as the existing resources in the shape of mufassal hospitals and dispensaries and the services of non-official medical men may be advantageously utilized for such a purpose.

In view of the absence of any facilities for the teaching of dentistry anywhere in India, and having regard to the necessity of practitioners in this line, it was expected that Government would take steps for establishing a School of Dentistry in connection with the Calcutta Medical College at the earliest possible opportunity. It is a matter of very great disappointment that no provision has been made for any scheme for the teaching of this subject.

The thanks of the community are due to Your Excellency for your kind interest in the cause of maternity and child-welfare, for which an allotment of Rs. 30,000, has been made in the budget. What, however, the situation urgently demands is a provision for the training of a class of lady health visitors and a much larger number of midwives. It is also necessary to make arrangements for imparting elementary training to as many as possible of our 15,000 indigenous *dais*. Further, maternity homes and baby clinics should be started for the purpose of affording relief to suffering mothers and children as well as for providing facilities for training midwives and lady health visitors. Any steps that Government may take in this matter are sure to receive the support of the public from whom substantial assistance may be expected."

The Hon'ble Babu Surendra Nath Ray said :—

My Lord, this is the last budget under the Minto-Morley Reforms. The system of receiving doles from the Government of India will cease. We are still in the dark in what way the decision of the question of financial settlement between Your Lordship's Government and the Government of India will be arrived at by the Meston Committee. We simply ask for justice and fair treatment at the hands of the members of that Committee.

I do not want to enter into a criticism of the whole budget, but I should like to touch upon only a few of the important items.

Medical College Hostel.

The provision of a sum of Rs. 4,30,000 for land for a medical students' hostel in Calcutta will give satisfaction to all. Since the year 1913 I have advocated the establishment of a hostel for the students of the Medical College. I am glad that a beginning in this direction is going to be made this year.

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Criminal Investigation Department expenditure.

Now that the political prisoners have been released and the ebullition of temper of some of our young men has calmed down, it behoves the Government if not to completely abolish the Criminal Investigation Department of the Police, at least to reduce the expenditure on this head to the lowest limit possible. I hope and trust Government will be pleased to make a sympathetic pronouncement on this head of expenditure.

Kidderpore Bridge.

It appears that some money has been allotted for the Kidderpore Bridge. It was in the beginning of September, 1918, that the bri lge was condemned and was closed to traffic. We can see very little progress made in the construction of the bridge The public press have been loud in their condemnation of the slow progress made in its construction. I have brought to the notice of the authorities the inconvenience to which the public have been put. Everything has been put down to the war—the unfortunate war—steels cannot be had, engineers cannot be found to prepare designs, mistakes in calculation, etc. We are now told that it will take another eighteen months for the completion of the bridge. When first in September, 1918, the bridge was pronounced unsafe and it was closed, I asked those who are responsible for the bridge how long it would take for the construction of a new one. I was told it would take about 12 months. Since then I have inquired probably half a dozen times and have invariably been told that it would take about a year, *i.e.*, in September, 1918, I was told that it would take about a year, three months after I was told the same thing, nine months after the same thing, a year after the same thing, 15 months after the same thing, 18 months after I was told that it would take another 18 months. To be assured in September, 1918 that the work will be ready in September, 1919, and then to be told in March 1920, that it would be ready in September, 1921, or beginning of, 1922, speaks of a state of things about which I leave it to Your Lordship to judge. I have been informed, and I give the information for what it is worth, that a firm of English contractors (Messrs. Brethwell & Clerk), who are not registered contractors of Government have sent in an incomplete tender after due date; that they want two years to complete the work, whereas some of the most respectable firms in India have also given their tender and they have promised to finish the work within six months; that it is the desire of the authorities to accept the first tender and wait for another two years. Is it a fact that the rates of the English firm are higher than those of the other firms. It is for Your Lordships to inquire if these are facts.

Hastings House School.

It appears that a provision of Rs. 15,000 has been made for a Head Master for the Hastings House School at Alipore. One fails to understand why the school was opened and what useful purpose it has served or is intended to serve. If it is intended for the sons of a few England-returned gentlemen who do not like their sons to be sent to England, all I can say is that they should maintain such an institution out of their own pocket. What is the number of such students and what is their expense? The school, as I understand, was established for five years. It was meant to accommodate 100 students. In August last the Member in charge admitted that the Government themselves were not satisfied with the present state of the school, but admitting it the Government were not prepared to cry *peccavi*. But unfortunately Government never do it. They never admit that they have committed a mistake. Though the probationary period of the school was for

five years only, *i.e.*, from 1915 to 1920, we are surprised to learn that the Government of India have been approached to extend the period up to 1922. Not content with spending—*wasting* would be the better word—a very large amount of money per annum. Government are going to provide for a teacher on a pay of Rs. 1,250 per mensem. He would not only be an Indian Educational Service man but would get at one jump about the maximun salary of the service and that when the rupee is worth 2*s*. 11*d*. The probationary period has extended for a pretty long time. A tree is known by its fruit. The boys who are being educated in the school have so far become neither fish, nor flesh, nor good herring. Government have so far wasted more than a lakh of rupees in the experiment. The public have a right to ask Government to stop here and not to proceed any further. That the school has deteriorated will be evident from the fact that not only have the number of boys greatly decreased, it has decreased from 105 to 43—but that the results of the examinations of the last two years when compared with those of the first two years of its existence have been far from satisfactory. I am told that at the last examination no one was successful. Such is the school over which Government are going to spend more money. It is high time we should cry halt.

Primary Education.

I shall now speak a word about primary education. In the course of a resolution for allotting a larger amount on primary education I have practically said all I had to say on the subject. I am glad that a sum of three lakhs have been allotted for the development of primary education in Calcutta. It is said that only a lakh of rupees has been allotted for the development of primary education in the muffassal municipalities because the municipalities are not ready with their schemes and would not be able to utilize a larger amount even if it were allotted. The municipalities, as I have already said, would not be ready with the scheme necessary for the purpose of asking for a contribution from Government unless they are assisted by the executive officers of the Education Department. I would therefore ask the Director of Public Instruction to lend the services of, say, six Sub-Inspectors of Schools for three months to these municipalities to prepare the schemes for submission to Government, as required by the Primary Education Act. It would not cost more than Rs. 2,000. The amount is trifling, but the gain will be enormous. Government know very well how to make a scheme a success and how best to make it a failure. By helping the municipalities to a very small extent by lending the services of a few Sub-Inspectors of Schools in the way indicated by me, Government would be really furthering the cause of primary education in the country.

Provincial Civil Service.

Government have been pleased to set apart a substantial amount to give increment to the salary of the members of the Provincial Executive and Judicial Services and generally to give effect to the recommendations of the Public Services Commission. This has pleased a large number of deserving servants of Government. We hope and trust that the members of these services will be recruited by means of such competition as the Government think proper and not by nomination as is done at present. The present system has a most demoralising effect and ought to be put a stop to at once.

My Lord, we are literally on the parting of the ways. From next year we enter into a new stage in the political development of our country. We are on the eve of momentous changes in the constitutional history of our country. The financial side of this important change is of special interest to

us at the present moment. A great deal depends upon the amount which is allotted on the reserved subjects in this year's budget for that would be the guide in succeeding years so far as expenditure on those subjects is concerned. The amount allotted this year on the reserved subjects seems to us to be rather large, larger than in any preceding year. Curtailment is necessary where it can be done. For Your Lordship will find that henceforth the fight between the non-official and the official members will be keen as regards the allotments on 'reserved' and 'transferred' subjects are concerned."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I congratulate the Hon'ble Sir Henry Wheeler and the Hon'ble Mr. Marr on the budget presented this year for the lucid manner in which the general situation and the several heads of revenue and expenditure have been explained. Fuller information, however, is wanting for 42—Irrigation—Major Works, 43—Minor Works and Navigation and XXXI and 45—Civil Works, specially for repairs and works in progress under head 45—Civil Works. There is no explanation why the expenditure incurred under the management of Public Works officers under head 45—Civil Works should not be adjusted to the appropriate heads of account as far as possible as done in the case of lump grant to Commissioners of divisions and Collectors of districts under this head. A lump reservation of Rs. 20,00,000 has been shown as probable savings without any explanation for what particular works this heavy saving is expected. The budget should show in detail what repair works are to be undertaken and what are the works in progress and what explanation is there for the inability of the department in finishing the works undertaken within the year.

There was a large increase last year in the available free balance, and it has been shown that a sum of Rs. 33,65,000 has been utilised out of the balance at credit of this presidency. But when the figures are examined it will be seen that a sum of Rs. 29,46,000 only has been taken under the sanction of the Government of India from the real available free balance and at the end of this financial year there would still be at least Rs. 1,54,00,000 available to be spent for useful purposes in future years. The Hon'ble Sir Henry Wheeler very justly noticed in conclusion of his budget speech last year that this available free balance has in fact been built up by the overcautiousness of the department in preparing the budget estimates during the last several years. If this fortune really belongs to us and if it was accummulated through the economical management of the Provincial revenues for several years, I fail to understand why this heavy sum should still be allowed to remain idle wherever it may be. We may not be allowed to spend it without special sanction, but there is no reason why it should not be deposited in a bank at least to carry interest.

I may be permitted to notice in connection with the budget that the time has really come when some bold and courageous step should be taken for the relief of the people of Bengal. We are hard pressed on all sides. The price of every necessary of life has gone up abnormally high. The country is groaning under the oppression of the middleman and the money-lender on one side and on the other the profiteering and the privileged classes grown up under the peculiar circumstances of the great European war. If some means could be devised for being relieved from the clutches and grips of these persons most of the difficulties would be removed. What has been done at Naogaon for the *ganja* cultivators can, with great advantage, be done in other directions also so far as the cultivators are concerned. New industries should be started, and the vast resources of the country should be developed and fully utilized for directly benefiting the country. The purchasing power of silver has increased, and the exchange rate is very favourable

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for larger import. It is high time that the large free balance referred to before should be fully utilized, and any more useful purpose cannot be conceived for its further detention and development. If 16 lakhs will do for the full programme of the new Department of Industries as stated in the budget, why should 4 lakhs only be provided for the purpose this year and why should not a technological institute be at once started with up-to-date machines for its full working? Your Excellency will, I hope, rise to the height of the occasion for inaugurating schemes for the relief of the sufferers committed to your care. The co-operative movement at Naogaon has not only benefited the *ganja* cultivators, but the Government and the Naogoan public as well, and it remains for Your Excellency to see if, with the credit of this large cash balance within the reach of Your Excellency's Government, some such thing cannot be done for the immediate relief of the people of Bengal.

In this connection I may refer to one other thing of very great national importance which has attracted public attention—I mean the sale of reverse Council bills. It is an irony of fate, my Lord, that a sympathetic Secretary of State of Mr. Montagu's stamp should at this time of strain permit sale of reverse Council bills causing heavy loss to India and counteracting all the benefits of the favourable exchange rate.

There is additional provision in the Budget of Rs. 1,07,21,000 over and above the last year's revised budget. Of this heavy sum Rs. 34,19,000 come from the balance of Imperial earmarked grants for Education, Sanitation and Ranchi Lunatic Asylum, Rs. 29,46,000 from the savings and Rs. 43,56,000 from the general revenue, but the latter two items are nearly swallowed up practically for ordinary purposes by—

			Lakhs
3—Land Revenue, nearly	...	...	12½
19—A—Courts of Law, over	...	...	8
20—Police (Presidency Police), nearly		...	7
29—Superannuation and retired allowances, nearly			2½
32—Miscellaneous, over ...	...	...	18¼
45—Civil Works, nearly ...	...	...	21¾
Total		...	70¼

The budget, however, shows that Your Excellency's Government are keen about the requirements in all possible directions, and large schemes have been taken up for the improvement of sanitation and education and development of agriculture, forestry and industrial movement. Steps are being taken for giving effect to the recommendations of the Public Services Commission and for improving the pay and prospects of the Subordinate Educational Service and the ministerial departments. I may be permitted in this connection to bring to Your Excellency's notice the hard case of the Civil Court peons, mufassal ministerial officers, Subordinate Executive Service and Assistant Surgeons.

With due deference to the observations made last year, it is greatly to be regretted that the police expenditure is gradually increasing and the much-needed reform for the separation of the judicial and executive branches has not as yet been taken up.

Development of villages and the question of the unemployed and the solution of the bread problem are the burning questions of the day. If the villages are to be developed sanitation, education and medical relief shall have to be more largely provided for.

The spread of knowledge of the improved method of scientific agriculture and agricultural education is another very important factor in the village organisation. Hopes are being entertained that the recent measures for the

development of village self-government and spread of primary education and the much coveted administrative reforms would be judiciously and sympathetically worked out without undue official interference and a new era of progress and relief may be inaugurated under your Excellency's guidance and support.

In conclusion, I beg to draw the attention of the Hon'ble the Finance Member to another requirement in the Budget Statement. In Appendix E a statement of receipts and charges of District Boards and District Road Fund has been given in an abstract form. Instead of this a comparative table showing the receipts and charges under the several heads enumerated for each district and a similar statement for the municipalities in Bengal would be a great help in understanding the real situation and the possible lines of improvement and this will make the budget complete for ordinary purposes."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, the most remarkable feature of the figures presented by the budget, mentioned on page 4, is a very large growth of revenue. Now, my Lord, a growth of revenue is always welcomed whether in private individual life or in the case of Government, and therefore it is a matter of congratulation; but a cursory examination of the figures rather reveals to us that this growth of revenue is not a matter of congratulation so far as the people are concerned. I find that there has been an increase of revenue under Stamps, Income-tax, Registration, Jails, Scientific and Miscellaneous Departments, and so on. Let us take the case of the growth of revenue under the head Stamps. There, it is said, the high price of foodstuffs is one of the reasons which have swelled the receipts, and the next reason given is the continued industrial and trade prosperity in Calcutta. That is again a matter whether the people can be congratulated on that because it is well known how a certain section of traders acquired fabulous wealth at the expense of the people. Then again, under the head Registration, there are three causes mentioned for the large growth of revenue. The first reason is the abnormal increase in the value of house property in Calcutta. It is doubtful whether that is good fortune or a misfortune to the people. The next thing is the high price of foodstuffs. I cannot conceive a greater misfortune to the people than this high price of foodstuffs which leads to more borrowing and all sorts of evils. Then the third cause for the growth of revenue under this head is the cyclone in East Bengal—another great national calamity. These are the reasons which, it is said, have swelled the receipts under this head.

Then, my Lord, take another case, the case of Income-tax. This is due, it is said, to the satisfactory profits of the jute industry and the increased prosperity in certain mercantile trades. So far as the profits of the jute industry are concerned, there again, I do not know whether we can congratulate ourselves upon them. It is well known how these profits are made at the expense of the growers. Here on page 4 it is said, 'in spite of the fact that the districts of Tippera and Bankura suffered from famine.' It appears to me that it would have been more appropriate if the phrase 'because of' were used instead of 'in spite of'.

There is one item for which I must congratulate the Government and the people also. I find that the revenue has fallen under the head 'Excise' and this is said to be mainly due to the measures adopted by Government to check consumption and to a fall in revenue under the head 'Liquors and spirits made in India after European methods'. I find in the Hon'ble Mr. Marr's speech that, with a view to check consumption, the duty on country spirit for different strengths was enhanced in the districts of Hooghly, Howrah, the 24-Parganas, Calcutta and Jalpaiguri in January, 1919, and in March last the retail prices of country spirit was increased throughout the presidency. The opening hour also of premises for the

retail vend of foreign liquor for consumption therein was fixed at 11 A.M. in July 1918. In January last the duty on country spirit for different strengths was again raised with effect from the 1st April, 1920, in the districts of Burdwan, Jalpaiguri, Rangpur, Dacca, Mymensingh and Darjeeling. I also find that the price per seer of *ganja* was also raised from Rs. 60 to Rs. 75, and the rate of duty on *bhang* was uniformly fixed at Re. 1 per seer for all districts. I must express our gratefulness to Government for adopting all these restrictive measures and for the fall in Excise revenue. This is about the receipts side.

On the expenditure side I find there are some savings over which, allow me, my Lord, to observe that I cannot congratulate Government. I find that savings have been effected under the heads of Education, Sanitation, Miscellaneous, Minor Works and Navigation and Civil Works—Public Works Department. As regards Education, speaking generally, that is not a matter where savings ought to have been effected. The savings under this head are said to be mainly due to the non-utilization of the provisions for the Dacca University scheme and for the scheme for the training of *gurus*, the sanction of the Government of India not having been received in time to admit of full expenditure being incurred. Then about Sanitation. Here also there should not have been any savings effected. It is said that the savings under this head are due to a certain extent to the non-utilization in full of the lump provision for Sanitation. It is rather a matter of regret that while there was money available, sanitary measures could not have been adopted. Then under another head—45—Civil Works—Public Works Department, the savings are said to be due to the inability of the department to spend the budget grant in full. Now, so far as this matter is concerned, this reminds me of a certain observation made by the Hon'ble Mr. Cumming in the course of the discussion of the budget resolutions last year when some of us suggested that a certain amount of money might be taken out of the grant for 'Civil Works—Public Works Department'. He said that 'everybody must dip his hand in the mine of the Public Works Department.' It is rather interesting to find that the full amount has not been utilized. Then we find, as regards the improvement of waterways and drainage projects, that, owing to the paucity of superior officers, these works could not be executed. This again is a matter of profound regret. There was money available, and only there were no officers forthcoming to execute the works.

So far as the budget for the next year is concerned, I find that under the head of Land Revenue there is a very large increase sanctioned. This includes Rs. 2,50,000 for carrying on the scheme of circle officers appointed under the Village Self-Government Act. As the case stands now, there must be provision made for circle officers, and I have no complaint against that; but what I do complain is the absence of some provision for financing the union boards themselves. When the Bill was passed into law we asked for same statutory obligation in the Act for financing these boards. That was not, however, accepted by Government, but assurance was given about these boards being financed although no statutory obligation was made. It is rather disappointing, my Lord, that there should be no provision made for financing these union boards which have already been constituted. Large or small, some provision should have been made for these boards, and in the absence of any such provision, the provision made for the circle officers will be more or less unfruitful.

Now, my Lord, I must express our thanks and congratulate Government for the increased provision made under Education. But in this connection I have got a small camplaint and that is about the distribution of grants for primary education. The proportion of 3 lakhs for Calcutta and 1 lakh for the rest of the presidency is anything but satisfactory. I do not think the

ground given, namely, that the municipalities have not matured any schemes for the development of primary education, is a sufficient ground. It was certainly the duty of the municipalities, but at the same time these things might have been expedited by Government also.

With the permission of the Hon'ble Member in charge, I want to make a small prayer in this connection. My prayer is this : For two years past I have been moving for raising the Comilla Girls' School to the status of a High English School. This is not a very ambitious project, and though it is a small matter it is very necessary, as there is a great demand for it. The poor people cannot send their girls to other districts, and the result is that their girls have to go without any education. I appeal to your Lordship to consider whether it is not possible to make some provision for raising the school to the status of a High English School."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I do not propose on behalf of Government to reply at any length on some of the points raised by the speakers on the budget to-day. The Hon'ble the Nawab Bahadur of Murshidabad has very rightly brought to the notice of Government the general question of Muhammadan education. I can assure him that this Government are fully alive to the responsibility they have with regard to Muhammadan education. Recently the question of Muhammadan education arose in the Imperial Legislative Council in consequence of a resolution, and we hope shortly to re-examine the position with regard to Muhammadan education generally.

I shall now turn to some of the points raised by my hon'ble friend, Raja Hrishikesh Laha, in his speech. He has very pertinently put two questions to Government. First of all, he has asked for a declaration as to whether Government would come to the help of the District Boards if large expenditure was required for sanitary works which they could not meet, and, if so, in what way. This is rather a hypothetical question, and it is impossible for Government to give a definite promise or to commit themselves without any details as to the expenditure involved or the amount which the District Boards themselves would provide. I may remind the Hon'ble Member that Government have already been generous in making grants to anti-malarial schemes. The District Board, of which he himself happens to be the Chairman, has already received a grant of Rs. 2 lakhs for the Nawai-Sunthi scheme, while the Magrahat scheme was rendered possible by the loan and grant given by Government. If he will refer to the Sanitary Budget for this year he will also see that, in addition to Rs. 75,000 for quinine grants, Government are contributing Rs. 2¼ lakhs towards anti-malarial schemes in District Board areas, besides providing a sum of Rs. 80,000 for works to be carried out entirely at Government cost. The contributions of Government in future years will depend on the amounts available for expenditure, but I trust that it will be possible for Government to contribute to help District Boards that are willing to take up large sanitary works. The Hon'ble Member has also asked whether any portion of the lakh of rupees provided in the budget for primary education in the mufassal would be given to District Boards. I am afraid that this cannot be done. The amount is intended for municipalities which are willing to bear their share of the burden of providing a more complete system of primary education and cannot be diverted to the District Boards. The District Boards in any case have no cause for complaint. Government have already put at their disposal large recurring grants, and an extra grant of Rs. 3½ lakhs was made to them as recently as 1918-19. The total amount which Government have made over to the Boards for primary education is already a little over 15 lakhs of rupees and represents no less than three-fifths of their

total educational expenditure. In addition to this, Government have undertaken the panchayati union system the object of which is to provide each union with a decent primary school. Under this scheme 119 primary schools for boys and 30 schools for girls were established during the last year for which statistics are available, and it was intended to go on with the scheme till each union had a primary school conducted on approved lines.

The Hon'ble Raja Sahib has very rightly pointed out that we have made no provision in this year's budget for the erection of residences for additional Sessions Judges and Munsifs. I plead guilty to a certain extent, my Lord, but if the Hon'ble Member will look to the budget he will find that for paucity of funds we have had to cut down the judicial portion of the budget considerably, but I believe the Public Works Department can later on advise us as to whether any schemes could be taken up, but for the present it is not possible to do so.

I shall now turn to some of the points touched by the Hon'ble Babu Sarat Chandra Chakravarti. He comes from Dacca and it is natural that he should advocate some of the needs of his city and his district. But I do not think he can complain that Dacca is at all neglected by the Government. We are already proceeding with the sewerage scheme, and I think that by the time Government are ready with a Town Planning Bill for the presidency the people of the city might desist from the rather indelicate use of the Dalai khal that they present indulge in.

As regards the starting of an Improvement Trust for the city of Dacca, I think that when the Town Planning Bill is before the Council it will be time to consider the matter.

With regard to the Dacca University, which we all hope will be started before long, the Hon'ble the Vice-Chancellor and both the Hon'ble Babu Sarat Chandra Chakravarti have spoken and have given their approbation to the scheme. On the other hand, they have asked Government to provide for the Faculties of Medicine and Agriculture whilst Babu Sarat Chandra Chakravarti would like also the Faculties of Engineering and Technology introduced. Regarding the Faculty of Engineering, it ought to be quite clear by now that it has been definitely ruled out. As regards Medicine and Agriculture, provision has been made and it is not for my department to make any comments as to the possibilities of starting them or otherwise.

Regarding the drainage of Munshiganj and sanitary improvements of Manickganj and Tangail, I shall certainly have the matters looked up, but at the present moment I am unable to say definitely one way or the other.

The Hon'ble the Vice-Chancellor has very rightly brought to the notice of Government the necessity for the provision of larger facilities for female education, and I fully sympathize with him in his desire. But, on the other hand, I do not quite see eye to eye with him about Government's action in this matter. It is true with the growing needs of female education in this country the responsibilities of Government are increasing, but in Calcutta or in this presidency for that matter we do possess quite a fair number of institutions for the higher education of girls and where I differ from him is this, that our immediate need is more in the field of primary education for our girls than anything else.

It is true that in the quoted higher education figures further developments are necessary and will come, but it is from the bottom, so far as the education of girls is concerned, that we have to try to build, and I can assure the Hon'ble Member that the Education Department is working with their eye fixed on this point.

Mr. Cumming.

I shall now turn to the speech of the Hon'ble Babu Surendra Nath Ray. He has mentioned two facts with which I am immediately concerned. One is of course the Hastings House School. Regarding this I have very little to add to what I said when the matter was discussed in Dacca. We have provided in the budget for more staff. It is true that the number of boarders is not what it used to be, but the number of day scholars is increasing. I hope my hon'ble friend from Behala will not charge me with introducing a spirit of levity, but I am inclined to say in the words of the well-known Bengali adage : যাকে দেখ্‌তে নারি তার চলন বাঁকা ; that is to say, 'whom I do not like even his mode of walking or gait is distasteful,' that anything in connection with the Hastings House School is not likely to meet with the approval of my hon'ble friend. But, on the other hand, I think that there is another aspect of the matter to be considered. It is all very well to get up and say, 'If a handful of enlightened gentlemen of Bengal desire to give an education on the lines of the education that is imparted in some of the public schools in England, that they should support the school and maintain it out of their own pockets,' but, on the other hand, is that really a true estimate of the traditions, the tenacity, the pride of the Bengalees as a race? Would he like that this project should be given up by Government without a fair trial; would he like that in a province where enlightenment is to be found to such a degree, where alone, if anywhere, such a public school could possibly exist, the Government should give it up without a full trial? My Lord, the Hon'ble Member has himself in his budget speech said that this will be the last budget discussion under existing conditions. It will be up to the ministers of the future to close down the Hastings House School if they like, but on behalf of Government I am not prepared at the present moment to cry a halt as my hon'ble friend has desired. I think that the Government should be permitted to go on with this experiment, which is being carried out at the request of some of the Hon'ble Mr. Ray's own countrymen like Lord Sinha of Raipur and others, and I think that it is a mistake to think that this Government has absolutely, so to speak, made up their mind and that in spite of repeated requests they do not wish to give up the project. Government only want to give this school or this type of school a chance, for after all, it is not very pleasant for the Government either to go on spending such a considerable sum of money each year, when the results have certainly not been altogether encouraging, and I would therefore urge my hon'ble friend to postpone judgment on this question until some time hereafter.

I now turn for a moment to the question of primary education regarding which the Hon'ble Babu Surendra Nath Ray has drawn the attention of this Council. My Lord, Government are only too anxious to assist municipalities with regard not only to the question of returns, but also to give advice and help by lending the services of the inspecting staff under the Director of Public Instruction, and if the Hon'ble Member were to bring the municipalities that are anxious to get such advice to the notice of the Director of Public Instruction, I am sure every facility would be afforded to them. I have nothing further to say."

The Hon'ble Mr. Cumming said :—

"My Lord, there are a few subjects regarding which it appears desirable I should offer some remarks to the Council. These remarks deal with points about which there seems to be some misapprehension in connection with the departments which are under my charge. There is first of all the Department of Agriculture. Under that head the Hon'ble Raja Hrishikesh Laha has recommended to Government that in spite of adverse circumstances some effort should be made for the cultivation of cotton on an extended scale with a view to making Bengal independent in course of time. I have been somewhat hopeful against hope in this matter myself; but I am afraid the

Mr. Cumming.

Hon'ble Member is unduly optimistic. The Cotton Committee appointed in 1917 by the Government of India came to the conclusion that sufficient work had been done in Bengal to show that the exotic varieties of cotton are unsuited to its climatic and other conditions, and that there was no prospect of any appreciable extension of the areas under the indigenous varieties. They, however, made one recommendation that regarding a certain class of cotton, namely, Comilla cotton, some selection work should be made. The Bengal Government have adopted this suggestion; and have given orders that such selection work should be undertaken at a farm which Government propose to establish at Rangamati in the Chittagong Hill Tracts with a view to the improvement and standardization of the ginning percentage and possibly of its staple. Moreover, Government propose, as soon as it is possible and convenient, to make a botanical survey of cotton in this province. It therefore will appear to the Council that in this matter Government have taken the action which the Hon'ble Member desires should be taken.

I now turn to the head of Railways. In connection with railway construction in the Dacca Division, one Hon'ble Member, Babu Sarat Chandra Chakravarti, desires further construction, whereas another representative of that division, the Hon'ble Rai Srinath Ray Bahadur, asks for postponement of railway construction in favour of water communications. Those who represent Dacca have at heart the improvement of communications between Dacca and Western Bengal; and two alignments have in the past been examined with that object, one from a point opposite Goalundo to Dacca and the other from the same point to Munshiganj. A question was asked this morning, the answer to which gives a reply to the remarks of the Hon'ble Babu Sarat Chandra Chakravarti. It was the answer to the unstarred question No. 7. It will be found that after negotiations with the Railway Board it has been settled that an examination of the whole area should be made by a body of experts, over whom a suitable officer will be deputed by the Government of India to preside. These experts will represent such interests as sanitary and drainage requirements, and, further, a representative of the Steamer Companies will be invited to co-operate. It is far from the case that His Excellency's Government desires to stifle railway communication in those parts, as has been urged from time to time in this Council and out of it; but it is absolutely desirable, in view of the very peculiar conditions of the area, that a more careful examination from several different points of view should be made than has hitherto been undertaken.

I now turn to certain features of the Public Works Department. The Hon'ble Babu Surendra Nath Ray has raised the question of the completion of the Kidderpore Bridge. In connection with that he has made certain allegations affecting the name of an eminent firm of contractors; and has asked whether these allegations are facts. Now, Sir, if these allegations mean anything at all, they mean that certain responsible officers of Government have been guilty of some discreditable conduct; and I deprecate very much the dissemination of gossip of this nature which the Hon'ble Member has admittedly taken no steps to verify. I can say at once that these allegations are not facts; moreover, the tender which has been accepted is the lowest, the tender which has been accepted undertakes to complete the project in the shortest possible space of time, and the tender which has been accepted is not from the firm regarding which the Hon'ble Member has made these allegations.

I now turn to the question of another bridge, namely, the Howrah Bridge, with which I deal in this connection, although it is more properly under the Marine Department, and not under the Public Works Department. The Hon'ble

Mr. Cumming.

Mr. Hindley has criticised over the deliberation of Government in connection with this project. I recognize that he is entitled to voice public impatience regarding the apparent absence of progress. He has mentioned certain relevant facts, and I am sure that he has every desire to be perfectly fair. But one relevant fact he has not mentioned; and I feel quite certain that of that fact he is quite unaware; further that, if he had been aware, it would have altered the tenor of his remarks. That fact is that the present Government is a legatee of certain action taken by its predecessor. That action was taken on what at the time seemed to be good and sufficient grounds; and policy no less than courtesy demands that the successors to that Government should explore the line of action which was then opened up. This has been done. I can say, moreover, that Government have anticipated the Hon'ble Mr. Hindley in taking into consideration the proposal which he mentioned towards the end of his speech regarding a practical suggestion. But I venture to think Mr. Hindley does not recognize that this practical suggestion does not answer the question which has hitherto been before Government, namely, what is the best form of bridge to suit both present and future requirements; for the practical suggestion means the calling for tenders for only one type of bridge, namely, a floating bridge. I have, however, hopes that in view of action which has recently been taken by Government, it will be found possible to advance with more speed than has hitherto been the case.

The subject which has next to be considered is that of the Irrigation Branch of the Public Works Department, which covers not only questions of drainage, but questions of internal waterways. In this connection, the Hon'ble Babu Sarat Chandra Chakravarti and the Hon'ble Rai Srinath Ray Bahadur have made certain observations. Government quite appreciate the force of their remarks, and recognize that some impatience is inevitable; but I demur to the statement that the attitude of Government in this connection has been incomprehensible. It is, and has been, practically impossible to carry on the work, which Government equally with the Hon'ble Members desire to effect, without a staff. The Public Works Department—and to this the Hon'ble Babu Akhil Chandra Datta made a passing remark—suffers very considerably from paucity of officers. At present the department is 20 per cent. understrength. Recently the Chief Engineer of this department has submitted proposals with my personal full concurrence for a very large increase in the cadre of this department; and to my mind the demands which he puts forward are by no means in excess of the requirements. My own view is that this department requires no fewer than 18 more officers; and proposals have been made to create two new waterways divisions and two new circles of superintendence. One of these waterways divisions is the very one for which the Hon'ble Babu Sarat Chandra Chakravarti has pleaded, namely, a waterways division at Dacca; but as I said before, until we have a staff for that, we cannot carry on the work which must be done. I should like, in this connection, to correct a small misunderstanding which has arisen in the Hon'ble Member's speech in which it was stated that the Khulna waterways division has been started. It was doubtless from jealousy of Khulna that he desired that the Dacca division should be started. That is not the case. The Khulna division has not yet been started, though provision both for building and for staff has been included in the present year's budget.

The last item with which I shall trouble the Council under the main head of Public Works in the Irrigation Department is the question of the Grand Trunk Canal. The Hon'ble Mr. Phelps has asked Government to give some definite pronouncement in the matter of this large project. He has said, very correctly, that it is not a minor project. It is of course a productive public work; and a work of such magnitude that the sanction is far beyond the powers of the Local Government. It is possible that the Hon'ble Member is not aware that recently in the Imperial Council a short statement was made

Sir Henry Wheeler.

by the Hon'ble Sir Claude Hill which is quite relevant in answer to his present enquiry. With Your Excellency's permission I shall read it :—

'The project for the Grand Trunk Canal in Bengal, which has been long under consideration, has now been worked out in detail and the estimate, which amounts to Rs. 309 lakhs, has been forwarded to the Secretary of State for sanction. The scheme is designed to provide direct routes for steamer navigation between Calcutta and (*a*) the Ganges, (*b*) Assam, Cachar and Sylhet and (*c*) Barisal. The canal is eventually to have a width of 400 feet, though in the first instance its width will be 250 feet, with widenings at intervals for crossings. The canal will form a most important link in the chain of waterways in Bengal, and will be an asset of the greatest value to Calcutta and those districts in the presidency which depend upon waterways as an outlet for their trade.'

I do not think I require to add anything further to that statement, except to say that Government regret just as much as the Calcutta Improvement Trust that circumstances over which they have no control have deferred the construction of this very important scheme. It was sent to the Government of India last year ; and if ever it materializes, the public of Bengal will have reason to be very grateful to its engineers, and more specially to Mr. Addams-Williams to whom the merit for this particular alignment should be assigned.

My Lord I have no further remarks to make regarding the subjects in the departments which are under my control."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, it has already been noticed by more than one speaker, and the fact seems to me to be worth emphasising, that this is the last occasion on which the budget will be discussed in a meeting of this kind. In that sense we are at the end of a chapter. This somewhat discursive and general debate had a *raison d'être* in the old days, before the time of questions, private legislation and resolutions. It really died a death with the Morley-Minto Reforms, and it might almost have been discarded when these were introduced. In fact the idea of discarding it was then mooted, but it survived largely in deference to traditions and in accordance with the wishes of the non-official Members. But under the new procedure it will disappear, and under the revised budget rules, in so far as we have seen them in draft, the future course of action will be the presentation of the budget, followed by an adjournment ; a general discussion upon the budget, in which there will be no voting but which, it is to be hoped, will be confined more closely than now to financial issues, and lastly the introduction by the different Members and Ministers of votes on grants, which will be taken according to the different budget major heads. That will probably be the procedure of the future, but, immediately, we are concerned with things as they are, and, following precedent, I will notice briefly one or two points which have been raised to-day by different members concerning the Departments of which I am in charge.

A general criticism has been offered by Babu Akhil Chandra Datta, who has lamented certain aspects of the reasons which have been given in the budget statement for increases in the revenue of the year. He appears to think that the attitude of the Finance Department is one of fierce joy over the misfortunes of the province, rising almost to exultation if we hear of anything so disastrous as a cyclone. That of course is not so. We merely give these reasons in the statement as explanatory of different financial fluctuations, and we share with him his regret in so far as they indicate facts which are unfavourable to the prosperity of the people of the province.

Sir Henry Wheeler.

Another general issue was raised by Babu Kishori Mohan Chaudhuri, who seemed to advise us to signalise the last year of the old official Government by spending in one grand blaze every penny of which we are possessed. As I understand him, he would like to see the whole of the three or four crores of our balances cast into the budget in the form of grandiose schemes of expenditure. The suggestion has something to recommend it, and possibly we officials would rather like to have gone out introducing, or at any rate accelerating, to the best of our power, the millenium. But I doubt if the suggestion would commend itself to the Ministers who will come after us, and there are also practical difficulties. In the first place there is a point beyond which we cannot conveniently draw upon our balances, and we have reason to believe that we and other provinces have already drawn on them to the utmost extent which would be welcomed by the Government of India, which in this matter, after all, stands in the position of our banker; and, secondly, there is a practical point beyond which we cannot spend money during the year even if we go through the formality of putting it in the budget. Mr. Cumming has already referred to the depletion of staff in the Public Works Department, and that is true not only of the Public Works Department, but of practically every Department. With the difficulties that still surround business and the conduct of affairs as a sequel to the war, it is practically impossible to get things through at more than a certain pace. Therefore we were precluded from undertaking the ambitious programme which my hon'ble friend would have liked to see.

Coming to more particular issues, we have our old friend the Police and the foreboding voiced in various quarters, notably by the Hon'ble Nawab Bahadur, as to the growth of police expenditure, while recently in another place we had a sporting offer from another member that if the Department was handed over to him he could double its efficiency at half the present expenditure. I am naturally rather sceptical of that kind of offer. It savours of the flat-catching advertisements which characterise the less reputable financial papers, designed to catch the gullible investing public. Unfortunately the Hon'ble Member is not here to-day to explain in detail how he would proceed. Probably, judging from previous utterances of his, I imagine, the first step in his programme would be to replace all the European Superintendents by Deputy Superintendents of Police. It is perfectly true that on those lines he could effect a financial economy. The same could be done by replacing Members of Council by Assistant Magistrates, or future Ministers by members of the Provincial Civil Service; if that were done it would be possible to save a good deal, though other results might ensue not quite consistent with the ideal of efficiency which it was hoped to attain. The criticisms of the Hon'ble Nawab Bahadur are naturally more moderate and reasonable, and I will notice very briefly his general criticism that the expenditure on police is going up abnormally. It is true that the expenditure on Police is rising, and, as I have before pointed out in this Council, it is true not only of Police but also of other Departments, where we see equally phenomenal rises. Thus taking the year 1916-17 and the current year, we find that the expenditure on Forests has risen from Rs. 6½ lakhs to 13½; Education from Rs. 77 lakhs to 1 crore 21 lakhs; Medical from Rs. 23 lakhs to 37; Sanitation from Rs. 4 lakhs to 15½ and Agriculture from Rs. 10¾ lakhs to 21. So the mere fact that expenditure on the Police has gone up does not necessarily indicate that something is radically wrong, and, if the Hon'ble Nawab Bahadur will scrutinise the detailed explanations which are given in the budget note, he will find that there are various abnormal items, such, for instance, as the Rs. 5 lakhs payment on account of the Alms House; various items that will largely be covered by the fees which will be realised, such as the expenditure on the Hackney Carriage Department in Calcutta and the issue of new Arms Act

Sir Henry Wheeler.

licenses; and another large item, the enhancement of the pay of head-constables, which is accountable for two Lakhs of rupees and which he himself advocates as a necessary and reasonable measure. The matter of the village police has, of course, been misunderstood since Government do not pay for village chaukidars. In our budget there is a small item on account of clerks and rewards, but the ordinary expenditure is incurred under the Village Chaukidari Act. I think if the Hon'ble Member will study our explanations of the Police Budget, he will see that the expenditure on the Police is largely of a reasonable and justifiable character.

Babu Surendra Nath Ray has joined with him in expressing a hope that I should make a sympathetic pronouncement on the subject of the Criminal Investigation Department, the abolition of which is very close to his heart. In talking of the Criminal Investigation Department it is somewhat overlooked (largely, no doubt, due to the fact that the political aspect of the Criminal Investigation Department has loomed rather conspicuously in recent years) that it was primarily an organisation for dealing with ordinary crime, and until criminal tribes become angels, and the ordinary criminal who preys upon society grows wings, it will be necessary to maintain an organisation for curbing their activities. Therefore, it is never likely that the Criminal Investigation Department will entirely disappear from the budget. On the political side it is no doubt true that unfortunate events of recent years have led to an enhancement of our expenditure, but with the disappearance of various ugly features in our provincial life we have already reduced our expenditure on the Criminal Investigation Department, and Hon'ble Members will notice that the budget shows a reduction of Rs. 65,000 under 'Temporary force,' which, roughly speaking, is the force employed more particularly in connection with seditious crime. We hope, if the present state of things continue, to effect still further reductions. We have saved money by the very large reductions we have made in the number of detenus under surveillance and of people who unfortunately had to be dealt with under Regulation III, and with the return of happier time further economies may be possible. So much, Sir, for the Police.

I now turn to Medical. Most of the criticisms which have been offered under that head have to do with Medical Education, and I defer my remarks on that point till the resolution which is about to be moved by Mr. P. C. Mitter. Apart from this we have a wish expressed by Babu Sarat Chandra Chakravarti that the Dacca University should include a Medical Faculty; that is already dealt with in section 22 of the Act, and we shall now have to consider, in consultation with the Education Department, how the practical details can be worked out. Sir Nilratan Sircar has brought up again the very worthy project of a school of dentistry, and I share with him the hope that before long that may be an accomplished fact. Unfortunately it is going to be expensive. We recently had a full scheme before us, and approved of it even despite its cost, as it had been examined by our expert advisers, who thought that it was the minimum which we ought properly to undertake. But the total estimate was no less than a matter of Rs. 10,00,000 with some Rs. 32,000 for recurring expenditure. Therefore it may be difficult to find the money, although I hope it may be possible to do so before very long. But we have not included it in next year's budget in view of various other important projects which are already in progress in connection with the Medical College.

One other miscellaneous point is perhaps worthy of remark, and that is in connection with the comment of Babu Surendra Nath Ray that the Provincial Services should in future be recruited by competitive examination. It has not much to do with the budget, but as we have just published the improved terms which we are giving to the Provincial Executive Service, it may be

worth while explaining how matters stand in this matter of recruitment. When we submitted our opinion to the Government of India on the report of the Public Services Commission in connection with the Provincial Service we made a recommendation in the matter of future recruitment. To that we have had no reply from the Government of India, and the issue has become complicated by another consideration which has been introduced. Section 38 of the Government of India Act establishes a Public Services Commission to discharge in regard to recruitment and control of the public services such functions as may be assigned by rule by the Secretary of State. We do not yet know what rules the Secretary of State is going to make, and we do not know whether this Public Services Commission, which will be a statutory body, will deal with such things as the recruitment of the Provincial Services. The same idea was mooted by the University Commission, who desired to see small Service Commissions established in all provinces to deal with the standard of educational qualifications required in different services, to conduct the examinations and to approve direct nominations. That idea has not so far been pursued, and until these two matters are settled I am afraid we shall not be able to come to any definite decision as to the future recruitment of the Provincial Services.

These are the only detailed points raised to-day with which I propose to deal, and as I began by a reference to the future, so I will end.

We not only to-day see the end of an old procedure for the discussion of the budget, but we stand on the threshold of entirely new changes in the presentation of the budget and the control over it which will be exercised by this Council. In future the budget will be presented under 'reserved' and 'transferred' heads, and the power of the Council in controlling the votes on grants will be very much greater than they are now. From every point of view we are deeply interested in seeing that the rising sun of the Reforms is not obscured by heavy financial clouds. For the dispersal of these clouds we look to the Meston Committee, which has recently visited this province, and the report of which has not yet been published. Since it has not been published it would not be suitable that I should discuss in detail the considerations which we put before them, but I would like to mention the two main lines of argument which we took. As the Council is aware, the general scheme of finance under the Reforms Scheme is to take a standard of expenditure in the different provinces, and, deducting that from the various estimated provincial revenues, to arrive at an estimated provincial surplus. Against that surplus the scheme put the anticipated deficit of the Government of India, after keeping for that Government the normal Imperial revenues as they exist at present—that is to say, Post Office, Customs, Railways, etc.—and adding to them Income-tax and non-Judicial Stamps; lastly, it was proposed to realise that deficit by similar percentage contributions from the different provincial surpluses. That, very roughly, is the financial scheme of the Reforms Report, and Hon'ble Members will doubtless have noticed that other provinces have criticised Bengal as being very lightly treated under the scheme, and have suggested that we shall not subscribe our fair share to the Imperial revenues. In putting up our case before the Meston Committee we tried, with the valuable assistance of the Finance Committee of this Council, to press two points. In the first place, that in calculating the standard expenditure of the province account ought to be had of the fact that, under instructions from the Government of India, all expenditure had very largely to be curtailed during the war, and therefore things were not in our normal standard, which in ordinary times would have found a place there; that is to say, but for the war our expenditure would by now have risen to a higher figure than that at which it actually stands, thus giving claim to a higher standard. The second point we tried to press was that the financial division of the Reforms Report was not fair to Bengal;

that is to say, the Government of India first took away Income-tax and non-Judicial Stamps, and then judged us (or rather not the Government of India, but our outside critics judged us) by our contributions under the remaining heads of which the chief, of course, is Land Revenue. Bengal being a permanently-settled province, our land revenue is much smaller than in other provinces, and we seemed to show up badly. But on the other hand, under Income-tax and non-Judicial Stamps the Government of India take from Bengal very much larger sums than they take from any other province except Bombay. The same is true under Customs, although it is difficult to assess under Customs exactly what duty levied in Calcutta is derived from things consumed in Bengal and what from consumption outside it. But there is little doubt that the lion's share is derived from Bengal, and, therefore, we argued that if the contributions from the different provinces to the Government of India are to be properly judged, they should be judged under all heads of revenue including in particular those of Income-tax and non-Judicial Stamps.

I apologise for boring the Council with this rather technical discussion, but as the report of the Meston Committee will be published shortly I thought the Members would like to know the general lines on which the Finance Department had presented the provincial claims.

This, however, is at the moment a matter of the future and we are dealing with the present and the past. It has been, I think, a matter of regret to us all that during the three years of Your Excellency's incumbency our expenditure has been very badly hampered by the war and its consequences, but it is equally a matter of gratification to us all that during this year 1920-21 we hope to be able to some extent to shake ourselves free from these fetters that have bound us during the last two or three years, and to make real progress in many works of utility and benefit to the province. We hope to hand over to the new Ministers a large share of the accumulated provincial balances, as also approved schemes in various stages of maturity and elaboration, which, we trust, under their able guidance will be duly carried through. If they are carried through to fruition under the auspices of the Ministers and not of the old official Government, the old official Government will at least have the satisfaction of knowing that they have toiled at the foundations, though it was left to others to raise the superstructure."

RESOLUTIONS.

LIST OF BUSINESS—ITEM No. 4.

(*Under the rules for the discussion of matters of general public interest.*)

The Hon'ble Mr. P. C. Mitter moved the following resolution :—

This Council, while placing on record its appreciation for what the Government have done for extension of medical education, recommends to the Governor in Council that early steps be taken to open more medical schools in the Presidency of Bengal.

He said :—

"My Lord, I venture to observe that the question of the extension of medical schools is a question of the utmost public importance. My Lord, the act that there is need for a large number of medical practitioners is evidenced y the figures of the census table, where we find that in the year 1911, 37,439

persons were returned as medical practitioners, but although such a large number were returned as medical practitioners in that year, we find that in the year 1918 only 3,000 and odd persons were registered as qualified medical practitioners under the Medical Act. One may therefore say with confidence that in the year 1911 as many as 34,000 medical practitioners were quacks, men without any proper medical qualification, and if that number were 34,000 in 1911, the number is not likely to be less than 40,000 to-day. My Lord, with such a demand for medical men is it not very desirable that we should have more qualified men to serve the needs of the Province? My Lord, I hope the Council will bear with me if I address them on another aspect of the question. My Lord, in rural Bengal we have only one medical man with registrable qualification—and it must be remembered that a medical man who passes the vernacular course is deemed to have proper qualification under the Medical Act—to a population of 42,500. In England that figure is somewhere near 1,250 and this difference is all the more striking when we compare the state of public health of England with that of Bengal. The figure 42,500 which I have given may not be absolutely accurate. According to Sir Nilratan Sarkar it is nearer 48,000 than 42,500. So if I erred I have erred on the side of moderation. In the face of this undoubted need it is hardly necessary to labour the point about more medical schools. I ought to say, that my resolution deals with more medical schools not colleges, and I think a word of explanation is necessary for this. From the medical schools we hope to turn out men who will be of service in the rural areas—the population there is poorer than the urban population—and they cannot afford to have highly qualified men. If they can get medical men with a training of, say, 3 or 4 years, then they will be able to afford to pay their fees, whereas in the case of highly qualified men, they will not be able to meet their fees. I do not for a moment advocate that we should not have more medical graduates, but the proper course for increasing medical graduates will be first of all to increase the number of medical men educated in medical schools, and the increase in their number will create a demand for a larger number of consultants. At the present moment, I believe we are turning out less than 150 medical men from our medical schools. I believe that the total number of medical students is somewhere near 600 or 700—I am quoting these figures from the Director of Public Instruction's report. Now about 150 medical men pass out of the medical schools yearly, and that number is wholly insufficient to meet the demand. As against this small number of medical students we have about 26,000 undergraduates passing through our literary and scientific colleges every year. Many of them have no liking for higher education but for want of something better drift towards higher education. Many of these undergraduates will welcome a course of instruction in our medical schools if they get the opportunity. I always favour higher education, but I do not like that those who are not really cut out for higher education should drift to higher education. My Lord, if my suggestion be accepted, in the course of the next few years we shall have a larger number of medical men who will be earning their living, and who will not only benefit themselves but will benefit their society and country. Now let us see whether the students who pass out of these medical schools will lack employment. The Hon'ble Sir Henry Wheeler is, I believe, under the misapprehension that these men will perhaps lack employment, but I can assure him that there will be no lack of employment. I may relate one of my personal experiences in this connection. Some time ago I advertised for a number of medical men who had passed from a medical school, on a salary of Rs. 40, and with liberty of private practice. I got only two applications, but I am sure if I had advertised for ordinary graduates, I would have got at least a hundred applications. About six weeks later when I was in a position to appoint these two applicants I found they were already employed elsewhere. For their education, we might utilise the hospitals in the town such as the Mayo Hospital, the Howrah Hospital, or the Sambhu Nath Pundit Hospital, and in the mufassal we have the Mymensingh Hospital, Chittagong Hospital and others. As regards the town hospitals the question was discussed last year, and the hon'ble

member was apprehensive that it would add to the already increasing number of students in the town, but I venture to point out for the consideration of my hon'ble friend opposite that if we substitute a member of medical students for general students it will not add to the congestion of student population in Calcutta. I agree with Sir Henry Wheeler that it may be desirable to reduce the congestion of the student population in the city, if possible, but that is a very different problem, and should not be confused with the present issue. However, all I want is more medical schools, and I would leave it to the Government to choose for themselves whether they should have more medical schools in the town or in the mufassal or in both places. My Lord, at the present moment, I believe at any rate, according to the actuals of 1917-18, we have been spending about 1½ lakhs for the two medical schools we have in the province. I know this expense will be higher when the Burdwan school is started, but whatever the expense may be, it will be very little as compared with what we spend on education in general and higher education in particular in Bengal. I do not want the Government to commit themselves definitely to a number of medical schools and the financial question will have to be considered by the Government when they take up any particular scheme. What I do want is that the Government should push ahead. My Lord, the resolution which I move is a modest one, and I do not think more words are necessary from me to commend it to the Council."

The Hon'ble Sir Nilratan Sarkar:—

"My Lord, in supporting the resolution moved by my hon'ble friend Mr P. C. Mitter, I have to draw the attention of Your Excellency's Council to the fact that the Medical Act and the Medical Degrees Act have restrained the educational activities of the regularly trained medical men of Bengal. Indirectly, therefore, the field has been left to outlaws and quacks and this has been rather unfortunate. Of course, quackery can never be suppressed directly by law, but we can do a lot in the way of cornering quackery by a diffusion of medical education far and wide in Bengali society. It was expected, my Lord, that provision would be made after the passing of this Act for the diffusion of medical education throughout Bengal. At one time there was the idea of subsidising and reorganising some of the medical institutions that were being conducted by some of the practitioners of Calcutta. One may be mentioned here—the National Medical College—which was then and is still conducted by Dr. Mullick and a Committee. There was an idea that this medical institution should be subsidised and reorganised by Government, and that this institution should be brought into contact with some of the hospitals in Calcutta for clinical teaching. Evidently this idea fell through. Then on another occasion Government accepted a resolution containing a proposal for starting a lower grade medical school for the training of village practitioners. Nothing came out of that proposal. I do not regret it because times have changed, and it is not necessary to sacrifice quality to quantity at the present time. We could now enlist a sufficiently large number of passed students of our higher schools for the purpose of receiving medical education in our medical schools. The question is we must have a larger number of medical schools. As regards such institutions it would always be necessary for Bengal to pool our resources both in the mufassal and in the town—resources both in existing hospitals and in prospective hospitals and the service of non-official medical practitioners. It is in this way that some of the medical institutions of this city have been built up. Of course we cannot expect to start such institutions on the same standard on which the medical school of the whilom capital of Western Bengal, I mean Burdwan, has been established or the standard on which the prospective school of dentistry is going to be established in Calcutta. At the same time I believe if we work combining the principles of efficiency with economy, it will be possible to conduct medical

institutions for the purpose of training a fair number of medical men at different centres in Bengal. My Lord, I should not enter into details at this stage, but the need is urgent. The field, as I have already said, is left to quacks and outlaws, and medical schools will spring up, turning out practitioners and who will have nothing whatever to do with the Medical Act or the Medical Degrees Act, and the only way to prevent the activities of such institutions and such practitioners would be to increase the number of medical schools of the right sort in different parts of Bengal.

I have nothing more to say. I am rather frightened to see the activities in different quarters—activities devoted to start schools and institutions that do not come within the scope of the two Medical Acts, both of Bengal and of India. I hope Government will realise this, and will devote their attention towards the solution of this most important problem."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I fully support the proposal. After what has been said by the Hon'ble Sir Nilratan Sarkar, I am fully convinced that Government will consider the question carefully. There is very great need of medical practitioners in the mufassal, but as to how relief is to be given it is for Government to decide. They will collect the necessary material. I would only make one or two suggestions. There is one class of practitioners—I mean the *Kabirajes*—and some of them are very successful physicians; but the difficulty is that there is no good system of studying Ayurveda. I would take this opportunity to suggest that if an examination like the *tol* examination is introduced and anatomy and surgery are taught to the *Kabirajes* the question of medical relief in the mufassal will be partly solved. As the matter of granting medical relief to the mufassal will have to be considered in various aspects, I beg that my suggestion may also be considered in this connection."

The Hon'ble Khan Sahib Aman Ali said :—

"My Lord, I rise to support the resolution. To my mind under Your Excellency's adminstration medical education has become very important and urgent. If Your Excellency's Government will look to the births and deaths account of the Province, Your Excellency's Government will see that the number of deaths is nearly double the births. This is a fact which Your Excellency's Government should not lose sight of; moreover, the Government of India wants that the mufassal districts should have more hospitals, and Your Excellency's Government are not unmindful of the necessity. Your Excellency in different centres evinced feelings for the health of your people. Such being the facts, I hope and trust that Your Excellency's Government will be pleased to accept the resolution. In my question in this Council Government told me that for having a medical school for Chittagong, the matter is under consideration of Government. When in last year's budget time I had opportunity to move the Finance Member in the matter, I was told that the scheme is a new one and so could not be taken up during war time when there was a crying need for money. In this year I repeated the same thing over again; I was told that before the Burdwan Medical School is completed no question for a medical school can be taken up for Eastern Bengal. My Lord, the remark was very disappointing. A Member of this Council has taken up the subject right earnestly. The learned Vice-Chancellor in his speech expressed his earnestness for medical schools. Every non-official Member, I think, is keen for having medical schools in the mufassal. Government energy should be directed to the mufassal. I hope and trust that Government will accept the resolution and give effect to it as soon as possible. In the mufassal qualified doctors are not available for giving effect to private enterprises for establishing hospitals. Under such circumstances, I would pray again to Government that they will grant relief as suggested in the resolution."

Babu Akhil Chandra Datta; Sir Henry Wheeler.

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I beg to support this resolution. In doing so I do not want to make any speech as the resolution speaks for itself. The only question is the question of ways and means and how this can be accomplished financially or otherwise. It is a question of vital importance to the people of the country, and I hope that if there are any difficulties they will be overcome.

I have got only one suggestion to make, and that is this, that we should start with one school in each division of the Presidency. With these words I beg to support the resolution."

The Hon'ble Sir Henry Wheelar said:—

"I apologise for so often having to stand before the Council to present facts and arguments of which they are already aware, but the position is rather one into which I am forced than one of my own choice. In this particular matter of medical education, we had a fairly lengthy discussion in connection with the budget of 1919-20, and as recently as February last Your Excellency, when laying the foundation stone of the Burdwan Medical School, gave a very full explanation of the policy of your Government. In the matter of policy, those gentlemen who have spoken to-day urging the importance of increasing the number of medical men in this province are already, so far as Government is concerned, preaching to the converted. In Your Excellency's speech at Burdwan some six weeks ago, you defined the policy of Government in the following words:—

'The local Government have decided that the right policy to pursue is gradually to establish in important centres throughout the Presidency medical schools on modern lines.'

and Your Excellency defined that policy after dealing with the argument that we should supply an inferior form of medical education—something less than the standard of sub-assistant surgeons which, compatibly with our obligations to the province, we thought to be the lowest standard we could endorse—and with the argument that we should add still further to the congestion of students in Calcutta by concentrating new medical institutions in this city. Therefore the policy of the local Government and the policy of the Hon'ble Mover of this resolution are very largely one and the same, and it is merely a question of the pace at which we shall proceed. In our view we cannot proceed at too rapid a rate, but we have already done a good deal both by increasing the facilities in existing schools, by starting the Burdwan school (which we hope to complete this year), and, again, in this year's budget, by giving the very liberal sum of Rs. 4 lakhs to what is practically a new medical college in Calcutta.

In this connection I would deprecate drawing a line between school and college education, or between one form of medical expenditure and another. The object of all Medical expenditure is the relief of suffering, and the training of new doctors is not for the purpose of providing fresh careers but in order that doctors may go forth and help the sick. The provision for hospitals is designed to attain the same end in another way.

Well, Sir, that is what we are doing now and the extent of what we contemplate taking up during the ensuing year. There are other possibilities before us, noticeably in connection with the creation of a Medical Faculty at the Dacca University. If that is gone into and found to be a practical proposition, it will naturally raise the question of the status of the Dacca School, and were it found possible to raise that to a College—I do not know whether it will be found possible or not—it might equally then be desirable to open a new medical school in Eastern Bengal for which Mymensingh, with its new hospital, is an obvious place. Then again, the other

Sir Henry Wheeler.

day, a representation was made to us from Jalpaiguri that the tea industry would like to assist in the opening of a school at that place and the consequential improvements of the hospital. That suggestion came from the Indian section of the industry, and I do not know how far it will be borne out by the more influential European gardens: but we have referred the matter to the local officers and we shall see what comes of it. These are the only two definite propositions which we have before us, and we shall continue the examination of them during the year. Apart from them there is no very obvious centre in the mufassal where a new school could be started, since, as Your Excellency emphasised at Burdwan, it is very often overlooked that the first essential for a school is an efficient hospital. Neither do I think that it is wise to try to go too rapidly in this matter. We have got to complete the Burdwan School and we will be wise to see how it answers. It is a somewhat new experiment to open isolated schools of a small type, and we should reasonably like to be satisfied that the standard of efficiency of teaching will be maintained. It is not unreasonable if we move with some caution, progressing gradually where we see that facilities offer themselves.

In defence of our policy I would again advert to our efforts towards medical relief as a whole, as we so often hear speeches which seems to infer that the local Government is at any rate not overkeen on the subject of medical relief, although I admit the resolution of Mr. Mitter specifically states the contrary. I submit that the action of the local Government in the matter of a medical development should be judged as a whole. We can only spend money on the Medical Department compatibly with the claims of other Departments, and on one particular aspect of the Medical Department, compatibly with the claims of other aspects. Viewing our expenditure on the Medical Department as a whole, it has increased considerably during the incumbency of the present local Government, and we have undertaken many schemes for the benefit of the province. Our expenditure has risen steadily—Rs. 28 lakhs in 1917-18, Rs. 29 lakhs the next year, Rs. 31 lakhs in the revised budget of 1919-20 and Rs. 37 lakhs in the budget of the ensuing year, *i.e.*, an increase of about 32 per cent. in four years, and I think the Council will admit that we have not neglected the very important claims of this side of the administration.

As regards individual works, I would emphasise the many improvements which we have effected since 1917. To take Calcutta first, and to confine ourselves to schemes of first rate importance, the works that we have actually carried out or which are in progress in the Campbell Hospital comprise various extensions, noticeably in the surgical wards, the construction of servants' quarters and the acquisition of a site for a hostel; in the Medical College the construction of an enormous block of servants' quarters, the commencement of the very long delayed project of the Eye Hospital, quarters for new nurses and the acquisition of a site for a hostel, to say nothing of improvements in the X'-Ray and Electrical Department; to Belgachia we propose to give a large grant of Rs. 4 lakhs during the ensuing year; the Tropical School of Medicine and Hospital have been constructed and are now only awaiting equipment and staff; the lunatic asylum at Bhowanipore is being rebuilt, and various improvements have been carried out at the Howrah Hospital. Turning to the *mufassal*, we gave liberal grants to the Mymensingh Hospital enabling its completion on a scale far superior to that of most other district headquarters hospitals. We have a fine new hospital nearing completion at Dacca and we have made material improvements to the school; finally we have the Burdwan School under construction. I could give an equally long list of projects waiting to be undertaken, but I will not weary the Council. Apart from these institutions we have added largely to our expenditure under the head of the pay of the Indian Medical Service, and we

have also improved the pay of civil assistant surgeons. I urge, Sir, that we can show a very satisfactory record in respect of medical relief, as was indeed only to be expected from the well-known interest that Your Excellency takes in anything connected with the public health, which has been so frequently acknowledged by Members of this Council. I have been associated with the Medical Department continuously since 1909, and from the financial point of view it has never been accounted as a disadvantage to a department that it should be a subsidiary charge of the Finance Member.

Therefore, Sir, we have gone ahead substantially under the head of Medical, and we hope to go ahead still more, and even though we are not prepared to go quite so fast as the Hon'ble Member would wish, I hope we may be given credit for our achievements in the past. I sympathise to such a large extent with the intention of this resolution that I do not propose to vote against it. On the other hand, if it means that we should undertake forthwith the opening of new schools, I cannot conscientiously vote for it, as I have just explained to the Council the extent to which only we are prepared to go. But if the Council pass the resolution as an ideal, I personally have not the slightest objection to it."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I have to join my hon'ble friend opposite in apologising to the Council for bringing this matter so often to its attention. The reason for my bringing forward this matter so often is that although, as I have admitted in my resolution, the Government has taken some steps yet the progress has not been commensurate with the demands of the situation, and that is the reason why I have again brought forward this resolution. The Hon'ble Member in charge has remarked that I am preaching to the converted, and I hope he will excuse me if I say that if he is a convert he has certainly not the zeal of a convert. He has approached the question more from the point of view of a hard headed Finance Member than of a zealous convert imbued with the enthusiasm of opening more medical schools for the medical relief of the province. The Hon'ble Member has said that it is the policy of Government to have medical schools in important centres throughout the Presidency. We welcome that policy, but our point of disagreement is that Government is not following the policy it has laid down with sufficient earnestness, determination and expedition. The Hon'ble Member says that Government has increased expenditure on the medical head. It is undoubtedly true that medical expenditure has gone up under Your Excellency's administration : the figures given just now show that what was 28 lakhs four years ago is now 37 lakhs, but in the earlier part of to-day's debate it was explained that on account of the war many necessary expenditure had to be curtailed, and I have no doubt that medical expenditure generally had to share the fate of various other important projects which were abandoned or the expenses of which were curtailed. From that point of view, my Lord, the rise from 28 lakhs to 37 lakhs is not very much, and when we remember that this year at any rate we have some money to spend and that for some years past this question has been pressed upon the Government and that Government has accepted the policy of extension of medical schools, I expected more money being spent on the extension of medical education. No doubt the Burdwan school was started last year which I hope and trust will be completed this year, but will these additional expenses referred to by Sir Henry Wheeler on the Burdwan school really solve the question to any appreciable extent? Is Government satisfied that it will bring medical relief to the rural population to an appreciable extent?

Appreciable relief can be rendered if the Government makes up its mind to spend 3 to 4 lakhs annually. Human life is far more important than a few lakhs of rupees, and for a Government like ours which has an income of nearly 7 crores of rupees, I do not think it ought to be very difficult to find four lakhs of rupees. My Lord, I quite appreciate that the Hon'ble Member's real point is that he wants to see how the experiment will work. This question was discussed in the Imperial Legislative Council years ago, and this question has also been discussed in the local Council more than once and the Government has accepted the position that it is necessary to have more medical schools. Then why wait any longer? My Lord, if the resolution be accepted in the sense in which Sir Henry Wheeler wants to accept it, and if you will only give me the assurance that Government will try to do all they can, I shall be satisfied. After all, the elected representatives of the people will come in shortly, and as your Government has tried to be helpful to the future Ministers, they will no doubt be helpful in doing the necessary spade work in the intervening period. With these words I leave the resolution to the Council."

The motion was then put and carried.

LIST OF BUSINESS—ITEM No. 5.

The Hon'ble Mr. P. C. Mitter moved the following resolution :—

This Council recommends to the Governor in Council that Government do take into consideration the amendment of section 153A of the Bengal Tenancy Act (VIII of 1885) with a view to the addition of a provision to the following effect—

"The applicant must file an affidavit stating whether he has paid any rent during the period in suit and, if so, the amount and particulars of such payment or payments together with receipts or vouchers in support thereof."

He said :—

"My Lord, I shall very briefly explain to the Council the object of this resolution. The object of this resolution is to minimise preventible litigation as also to give effect to what was suggested in the report of the Select Committee when the Bengal Tenancy Act was passed into law. In dealing with this section the Select Committee Report says that a deposit of the decretal amount is required in the case of such an application under section 17 of the Provincial Small Cause Courts Act, 1887. We have inserted a new section 153A with the object of preventing vexatious applications for the purpose of delay, not only under section 108 of the Code of Civil Procedure but also under section 623 of the same Code. We think that the tenant should be bound to deposit either the amount, if any, which he admits to be due or such amount as the Court directs. The Court should be empowered to regulate the amount of the deposit after consideration of the statement of injury filed with application. In all cases the Court should state its reasons for the order it passes whether it requires or excuses a deposit. The section is quite explicit on the point, and that was undoubtedly the object of the Select Committee, but in actual practice what is happening is this : the section unfortunately does not say anything about demanding an affidavit or a verified statement; the tenant merely files a statement on a petition stating that he has paid everything although he has not paid anything, but when the landlord files a suit he has to submit a verified plaint, and if there is a misstatement the Court can get at the landlord, whereas when a person who wants to set aside an *ex-parte* decree he files the application without a verified statement or without any affidavit and the Court cannot hold him responsible for the statement. The result is that litigation goes on merrily much to the profit and enjoyment of the village tenants but to the detriment both of the

tenant and the landlord. Therefore if my resolution be accepted much preventible litigation will cease. Neither the landlord nor the tenant is benefited by prolonging the agony. While the landlord gets his money in two or three years the tenant has to pay a great deal more because he has to pay interest for that further period besides costs. I therefore submit if this resolution be accepted litigation will be greatly minimised."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"I beg to support this resolution with this object that litigation will be avoided a good deal. When this section was before the Select Committee it was thought that a mere statement on the part of the applicant (the tenant) will be sufficient for the purpose, but my own experience shows that a mere statement is not sufficient because, my Lord, it appears that the Court has authority under clause 153 (*b*) to regulate the amount of deposit to be taken from the tenant. If the tenant pays the amount in full or pays it in part or in excess or if there be any other reason for the claim to be accepted he can say so; it is highly necessary that a sworn statement or an affidavit should be filed in Court. If that is not done and merely a petition is put into Court, the Court is powerless hereafter to deal with the question. Therefore if there be full materials before the Court as evidence the Court will be in a position to deal with the matter. When no such statement is made the tenant can put the landlord to difficulty, but once he had made a sworn statement he cannot resile. It will benefit the landlord as well as the tenant if this procedure, which was the subject matter of consideration by the Select Committee, were adopted. These are the reasons for which I support the resolution moved by my hon'ble friend."

The Hon'ble Babu Sarat Chandra Chakrabartti said :—

"My Lord, I beg to oppose this resolution and I hope that all the Members of the Council, who have got the interest of the tenants and raiyats at their heart, will oppose it. The object of this resolution is simply to benefit the landlords and to add to the already heavy difficulties under which the tenants are to live and carry on litigation with a powerful member. What is the object of this resolution? The hon'ble mover says that there ought to be an affidavit sworn by the tenant when he files an application under section 108 of the Bengal Tenancy Act, that is to say, when there is an *ex-parte* decree in favour of the landlord or when there is a revision of the judgment or when there is a failure of justice on any insufficient ground the tenant has under the existing law only to file an application before the Court. My Lord, we have to consider what sort of difficulties he labours under. Besides the court-fees on his petition or application he has to pay process-fees, pleader's fee and other necessary expenses incidental to litigation. In view of these harassments the learned Judge shall have to take into consideration the fact whether the application of the tenant is justifiable or not. Moreover, under section 153(A) he has to deposit the very limited amount of rent which he admits is due from him to the landlord. So notwithstanding all these difficulties if the tenant think that there has been a failure of justice or there has been some misrepresentations of the overzealous zamindar's agent or that there has been, for some reason or other, an *ex-parte* decree against him he has the power under the legislature to submit an application before a Court either to review the judgment or reconsider the matter altogether. So, my Lord, I think my hon'ble friend's resolution proposes an amendment which will add to the difficulties of a tenant. He has simply moved it for the benefit of the landlord to the detriment of the tenant. Moreover, what will be the benefit of passing this resolution if it is proposed that the applicant must file an affidavit stating whether he has paid any rent during the suit and, if so, the amount and particulars of such payment or

payments together with receipts or vouchers in support thereof. If this be done landlords would not be greatly benefited, but it would simply add to the difficulties of the tenant. With these remarks I beg to oppose the resolution."

The Hon'ble Mr. Cumming said :—

"My Lord, I am sorry that the Council should be troubled with a suggestion of a somewhat technical nature regarding tenancy legislation, which the Hon'ble Member has seen fit to bring forward. Indeed I am also astonished, since I am sure the hon'ble mover must be aware that there are many possible changes which might be made in the Tenancy Act, whether in the landlords' interests or in the tenants' interests. Indeed some, of which Government are personally well aware, are of greater importance than this. I may also say that so far as the Revenue Department have information there has been no general demand for the increased protection which he asks ; nor am I prepared to admit that, so far as Government are aware, the landlords have any legitimate grievance in the matter. Now, shortly, what is the point ? The hon'ble mover says that he desires to minimize litigation in the interests of both landlords and tenants ; but, even according to his own statement, the interest is primarily that of the landlord ; and, as the last speaker has shown, it is almost entirely in the landlords' interests. The point is that at the time when this section 153A of the Tenancy Act was passed in 1907, it was laid down that under certain circumstances an applicant who wished to have a review in his favour should deposit in court the amount of rent which he admitted to be due. The hon'ble mover says—so far so good ; but in practice that advantage has been minimised by the fact that the tenant puts forward vexatious statements on the basis of which he is able to persuade the court to forego this deposit. As a further check the hon'ble mover now suggests that it is desirable that a tenant defendant should file an affidavit stating the amount due from him as rent together with the details of payment. In the matter of this kind, Government at present have no preconceived views. Government are quite prepared to make an enquiry as to whether this proposed amendment is necessary or not, but Government at present are not prepared to be committed in any way regarding either its merits or demerits, or as to the wording or the terms of the Hon'ble Member's resolution ; nor are they prepared to commit themselves to any promise of future legislation. If the hon'ble mover is prepared to accept this view of Government, that they will make enquiries as to the necessity or desirability of such a change in the law, then on that understanding Government will accept the resolution. But I should like to point out, my Lord, that if any amendments of this nature are to be brought forward, it is highly desirable that they should be preceded by a Rent Law Commission. During the time that I have been in charge of the Revenue Department of this province, I have realized that the time must come, though the present time is not opportune, when there should be a further stock-taking as to the working of the Tenancy Act. It may be that some pro-landlord amendments are required and that some pro-tenant amendments are required ; but unless some definite injustice has been committed, or some wrong has to be remedied, Government are not prepared at present to undertake piecemeal legislation of the nature suggested. As regards the particular matter which has been placed before the Council, namely, that an affidavit as well as a deposit is required in certain cases, Government are prepared to make an enquiry ; and to that extent, as I have already stated, Government will accept the resolution."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I am prepared to accept the position laid down by the Hon'ble Member in charge that Government will inquire into the matter, but in doing

so I should like to explain one or two points. The Hon'ble Mr. Cumming has pointed out to the Council that it is not desirable that changes in the Tenancy Act should be introduced piecemeal, and that all changes should be preceded by a Rent Law Commission. I may assure my hon'ble friend opposite that I have fully and carefully considered that position, and I quite agree that that is a valid position. But even while holding that view my reason for moving this resolution was this. I am not seeking for the introduction of a new principle ; this principle has been accepted by the Act as it stands ; it is only an evasion of the principle embodied in the Act which renders my resolution necessary. I have no doubt that if the Government enquires into the matter, it will find that out of 100 cases in which *ex-parte* decrees are set aside, 90 cases are ultimately decreed to the full, so that Government will find that, although the wording of section 153A is quite clear, yet during all these years much preventible litigation has been going on. The consideration of changes in the Tenancy Law is a point of great importance. The Rent Law Commissioners will have to consider all the various changes in principle which may have to be introduced. But this does not involve a question of change of principle. That is all I have got to say in reply to the Hon'ble Mr. Cumming.

With reference to the remarks of the Hon'ble Babu Sarat Chandra Chakravarti, to whom I have listened to with the utmost respect, I may say that my resolution is certainly not opposed to the real interests of the tenants. I look upon the true interests of the landlord and the tenants are identical. The interests of the oppressive landlord are no doubt entirely different from the true interests of the tenants, but the landlord who has certain dues to realize, if he sues the tenants, and if interested people advise the tenant to go on litigating, that is not serving the true interests of the tenants, because in any case the tenant will ultimately have to pay, and the utmost he can get is one or two years' respite, and in that case he will have to pay much more. I have no doubt that my hon'ble friend will agree with me when he considers the matter in cooler moments that such a course is not furthering the interests of the tenants.

With those words, my Lord, I beg that this resolution be put."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 6.

The Hon'ble Babu Kishori Mohan Chaudhuri moved the following resolution :—

"This Council recommends to the Governor in Council that the Railway Board be moved to take up immediately the construction of the railway line from Issurdi to Nachoul *viâ* Rampur-Boalia connecting the two sections of the Eastern Bengal Railway, viz., Godagari-Katihar line and Calcutta to Santahar main line, the construction of which has already been approved."

He said :—

"My Lord, in moving this resolution I cannot perhaps do better than to quote a letter of my friend, the Hon'ble Mr. O'Malley, then District Magistrate of Rajshahi, to the Commissioner, Rajshahi Division, dated Rajshahi, the 14th March, 1916, regarding the subject of the present resolution.

But before I do it I will ask for the indulgence of the House for giving a short account of the movement that has, as a last resort, resulted in the present resolution before this Council. It was in the year 1882 or 1883, when the divisional headquarters of the Rajshahi Division was at Rampur-Boalia, that Lord Ulick Brown, the then Commissioner of the Rajshahi Division, started the proposal for a railway line from Nator to Rampur-Boalia, a distance of only about 28 miles, and even went so far as to settle with

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Messrs. Mitchell & Co—I am saying all this from memory and therefore speak subject to correction—for the construction and working of the line by them with a guarantee from the Road Cess Committee and the Rampur-Boalia Municipality for a profit of Rs. 850 a mile and a lump contribution of Rs. 90,000 was then promised by Babu, afterwards Maharaja, Gobindalal Roy of Tajhat in Rangpur, on the occasion of his accession to the Raj title, for a bridge at Jhalmalia. Every arrangement was complete for the taking up of the work and even the necessary deeds were drafted and considered, but, unfortunately for the people of Rajshahi, Lord Ulick Brown retired sometime in 1884 and his successor in office, Mr. Lowes, with the help of his then Personal Assistant Rai Bahadur Harimohan Chandra—my predecessor in this Council—induced the donor to divert his promised contribution towards constructing the Lowes Jubilee Sanitarium at Darjeeling. I do not know whether this diversion was the consequence of the removal of the divisional headquarters to Jalpaiguri. The result, however, was that the proposed railway line was practically abandoned altogether. The sanitarium became extremely useful in its way no doubt, and it might have also secured a life pension of Rs. 900 a year to my friend Rai Bahadur Harimohan Chandra, but the people of Rajshahi could not help regarding it as a great loss to them and as an act of deliberate injustice—possible only because of the official influence of some interested persons—done to them stifling their natural aspiration to be in closer touch with Calcutta and the outside world. No one can possibly doubt that it was a great loss to them for if the proposed line were then established, Rajshahi would surely have expanded much more than it has done in the past few years. There was at that time no metalled road, as now is, from Rajshahi to Nator nor was there any steamer service connecting Rajshahi with the railway line and thus Rajshahi remained, as before, cut off for want of speedy communication and more especially so during the rains. Your Excellency and my hon'ble colleagues can easily realize the great disappointment that we the people of Rajshahi felt at the time.

After that again and again the people of Rajshahi tried their level best to have their just grievances redressed by the construction of a railway line, if necessary with a contribution from the Provincial fund. They even got, my Lord, repeated assurances from the successive rulers of the province and His Honour the Lieutenant-Governor, Sir Alexander Mackenzie, on the occasion of his visit to the town, assured us that as soon as the site of the Sara Bridge would be finally settled we would get a railway connection with that place. The site of the bridge was settled, the Hardinge Bridge was completed and traffic over it has been going on for several years, still the people of Rajshahi are, my Lord, just where they were, and the much repeated promise by the Government—I am very sorry to say—remains unredeemed to this day. The people of Rajshahi are even worse than they were before, because, not to speak of the establishment of the promised railway connection with Paksey, the steamer service that was plying before the construction of the Hardinge Bridge was discontinued—to our great surprise not altogether unmixed with a sense of humour at this irony of fate.

There are now at Rajshahi a first-grade college with about 800 students, a central jail, an agricultural farm, the Varendra Research Society, a sericultural school, a technical school with B classes attached to it, a Sanskrit College, two High English Schools teaching up to Matriculation standard, and within 10 miles from Rajshahi there is the big Police Training School at Sarda, and there is every possibility of the Rajshahi College being developed into a University and other educational institutions are also likely to come into being at no distant date. Then there is at Rajshahi the headquarters of the Executive Engineer of the Rajshahi Southern Division. Though there is now a metalled road from Nator to Rajshahi, the means of communication are very uncertain, irregular and costly for the ordinary public

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especially for the ladies. I have heard instances when students of the Rajshahi College coming from the eastern side, *i.e.*, those who are compelled to take the Nator route when they return to college from their homes after the vacations, had sometimes to wait for two days at Nator for want of conveyance. And such instances are not rare. There is also of course a daily steamer service between Sarda and Lalgola Ghât *viâ* Rampur-Boalia, which is also very uncertain and irregular, especially during the summer. This aspect of the question has been very fully dealt with in the letter referred to above of my friend the Hon'ble Mr. O'Malley, which I may be permitted to quote here—

No. 4006, dated Rajshahi, the $\frac{16}{18}$th March, 1916.

From—L. S. S. O'MALLEY, ESQ., I.C.S., Chairman, District Board, Rajshahi,

To—The Commissioner of the Rajshahi Division, Jalpaiguri.

I have the honour to forward herewith a copy of a resolution regarding railway communications in the district of Rajshahi, which was passed at a special meeting of the District Board held on the 7th February last.

2. I may, in the first instance, state briefly how the district is situated in respect of railway communications. To the east Northern Section of the Eastern Bengal Railway runs through the Nator subdivision from near Issurdi to Raninagar, the length of the line within the district being approximately 14 miles. To the extreme south-east a short length of the Godagari-Katihar extension of the same railway runs from Godagari Ghât on the Ganges to Digram station, a distance of about 11 miles. The whole of the district between these two lines is without any railway.

3. The absence of railway facilities is especially felt by the headquarters station of Rampur-Boalia. This town was formerly the headquarters of the division as well as of the district, but owing to difficulty of access the Commissioner's headquarters were transferred from it in 1888. In spite of this recognition of its inaccessibility nothing has yet been done to extend the railway to the town. Its position has, moreover, been seriously affected by the opening of the Hardinge Bridge across the Ganges in 1915. Before that bridge was opened, a steamer service ran between Lalgola Ghât and Damukdia Ghât touching at Rampur-Boalia and thus furnishing a link with the railway; but since the bridge has been opened the service to Damukdia Ghât has been discontinued and the steamers now run only from Lalgola Ghât to Charghat, a village 14 miles south-east of Rampur-Boalia. The result is that persons who wish to go to Calcutta have to travel by steamer to Lalgola Ghât or by road to Godagari Ghât. Those who undertake the latter journey have to go over a bad road, 13 miles long, the first two and a half miles of which are on the Public Works Department embankment and so badly maintained that they are passable with difficulty. Those who wish to go to other parts of North Bengal can only do so by going to Nator—a tedious and expensive journey of 28 miles. In addition to this, the steamer service cannot be altogether relied on owing to the shifting of the river channels: in 1914, for instance, the steamers could not put in nearer than 7 miles from Rampur-Boalia.

4. The present state of affairs is a source of considerable inconvenience not only to the public but also to the administration, there being no means of speedy access to the outlying subdivisions and to the greater part of the Sadar subdivision. Rampur-Boalia, moreover, is the fifth largest town in North and Eastern Bengal, its population being exceeded only in Dacca, Mymensingh, Narainganj and Serajganj. It contains a central jail with over [illegible] prisoners, most of whom are received from other districts of North Bengal

and require escorts. It also contains a Government college, which is the third largest Government college in Bengal, the number of students being surpassed only in the Presidency College, Calcutta, and the Dacca College. The actual number of students varies, but averages from 725 to 750. They come from 22 districts of Bengal and as one-sixth come from Pabna and a fourth from Dacca, Faridpur and Mymensingh taken together, it will easily be realized to what inconvenience they are put in coming to and going from Rampur-Boalia.

5. The people of Rajshahi are naturally anxious to have a railway to the headquarters, but have hitherto taken no steps to secure the construction of a line as it has long been expected that one would be constructed by the Eastern Bengal Railway. No such line, however, has materialized. Their long deferred hopes have given rise to a not unnatural impatience, and they desire to know definitely what is intended by the railway authorities. It is now felt that if the Eastern Bengal Railway is not likely to build a line in the near future, the District Board itself should take up the question. The District Board considers that such enterprise is directly encouraged by the recent pronouncements of the Government of India in paragraph 31 of its resolution Nos. 55-77, dated the 25th April, 1915, on local self-government policy and of the Government of Bengal in paragraph 12 of its resolution No. 2993 L. S.-G., dated the 29th December, 1915, on the working of District Boards in Bengal. At the same time it realizes that it is out of the question to consider any such project if the railway itself will definitely undertake to build a line. It is also aware that the sanction of the Railway Department would be necessary in order to ensure that the project shall not conflict with others that it may have under consideration. It, therefore, considers it desirable to ascertain, in the first instance, whether the railway authorities will build a line to Rampur-Boalia and, if so, when.

6. In this connection, I may remark that a note by the Agent of the Eastern Bengal State Railway, on the development of railways in North Bengal, was published in the *Statesman* of the 21st August, 1915. In this note the comparative merits of a line from Nator to Godagari through Rampur-Boalia and of another line from Issurdi to Nachaul through Rampur-Boalia were discussed. The conclusion of the Agent was that the advantage lay with the latter route and that 'this line should take an early place in the programme of railway extensions.' The proposed line, it was stated, would be on the standard gauge, the portion from Godagari to Nachaul being converted to standard gauge when it had been built; and the hope was held out that if traffic really justified it, a short chord might be built later on between Nator and Rampur-Boalia. The District Board has not, however, been consulted in the matter and is not aware whether any decision has been arrived at.

7. The construction of this line from Issurdi to Nachaul *viâ* Rampur-Boalia may conceivably be delayed by financial considerations, by questions of gauge and by engineering difficulties in the section between Issurdi and Rampur-Boalia. If this is the case, I would urge that for the present the question of constructing a short branch from Rampur-Boalia to Godagari Ghât may be considered. The Godagari Ghât station was formerly situated 19 miles from Rampur-Boalia, but last year owing to the formation of a *char*, which impeded the passage of the ferry steamers plying between that station and Lalgola Ghât, the station and ferry wagon were shifted to a place 13 miles from Rampur-Boalia to which the name of Godagari Ghât has been given. For this purpose a line, about 5 miles in length, was built from Godagari to the present Godagari Ghât, and it is a matter of regret that the question of extending the line at the same time over the comparatively short distance of

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13 miles to Rampur-Boalia was not considered. Such an extension would give Rampur-Boalia the railway connection which is so badly needed, and it would, I believe, present no engineering difficulties and involve no very heavy expenditure. If, therefore, there is likely to be any delay over the construction of a line from either Issurdi or Nator to Nachaul or Godagari *viâ* Rampur-Boalia, I would strongly urge that the desirability of constructing, in the first instance, a branch line between Rampur-Boalia and Godagari Ghât should be considered.

I take this opportunity of expressing on behalf not only of myself but of the whole public of Rajshahi our deep gratitude to the Hon'ble Mr. L. S. S. O'Malley for his active and genuine sympathy and the great interest which he took in this matter. The letter speaks for itself and is a great support to me for this resolution coming as it does from a responsible officer of Government.

Now, my Lord, so far back as the year 1913 we were told in a letter from the Hon'ble Mr. B. K. Finnimore, Secretary to the Government of Bengal, to the Commissioner, Rajshahi Division, being No. 67 T.—R., Government of Bengal, Railway Department, dated Darjeeling, the 12th June 1913, that 'it is almost certain that the line would be constructed from Nachoul, *viâ* Rampur-Boalia to Gopalpur' and it is nearly seven years from that date and the railway which was so certain seven years back has not yet seen its way into the budget.

We have waited for about 37 years from the year 1883, and the District Board, during the Chairmanship of Mr. O'Malley—probably despairing of any action by the Government—ultimately proposed to construct a light railway themselves and pending sanction advertised for tenders for capital outlay on 4 per cent. guarantee. Tenders came but had to be refused because the scheme did not receive the necessary sanction of the Government (*vide* the reply given by the Hon'ble Mr. Cowley to the starred question No. 8 put by me in the meeting of this Council held on the 3rd September, 1918). So that scheme has also dropped, and we have had again to fall back upon the promise of the Government and are now most anxiously looking forward to them for the early fulfilment of our just and legitimate aspiration.

It appears from the reply given by Sir Arthur Anderson to a question put by the Hon'ble Maharaja Sir Manindra Chandra Nandi in the meeting of the Imperial Legislative Council on the 1st March, 1919 (*vide* pages 219 and 270 of Part VI, *India Gazette*, dated the 8th March, 1919), that the railway line from Issurdi to Nachoul *viâ* Rampur-Boalia was at that date under the consideration of the Government for early construction and the scheme has been approved having been placed in the list of 'New lines to be financed from programme funds' and the line, the cost of which was estimated at 87 lakhs, was to be completed within three years. This, my Lord, has given a new hope to the people of Rajshahi. Your Excellency and the Government will, I venture to expect, be pleased to excuse the impatience of the Rajshahi people if there is any, for the impatience is only natural under the circumstances. Their inconvenience, cannot, my Lord, be exaggerated and their just ambition, which was on the point of fulfilment about 37 years back, is still now unfulfilled in spite of repeated assurances from responsible quarters. The war has now ended and the new era of joy and peace has again prevailed, and therefore, my Lord, I appeal to the Government, with all the earnestness that is in me and with all the emphasis that I can command, that this much-needed and longexpected reform be not deferred any further.

I have so long dealt with the question from only one point of view, viz., the inconvenience of the Rajshahi people, but I may add that the line

running, as it will do under the proposed scheme, through the Barind, the rice-producing tract of the district, will also help commerce and this must have been taken into consideration by the Railway Board while sanctioning the project. There is a large rice-market at Nawabganj which I hope the new line will touch and this will certainly benefit the commerce in rice. There are also other commercial advantages to be derived from the proposed new line which I need not discuss in detail, the scheme having already been sanctioned by the Railway Board. But I may mention that when the connection between the two branches of the Eastern Bengal Railway in the way proposed will be complete the Godagari-Katihar line having secured an easy outlet would be paying and more prosperous.

I have detained the Council for long and I beg to be excused. This is a matter in which I feel very strongly and therefore I have spoken out of my heart.

With these few words I commend this resolution to the acceptance of the House."

The Hon'ble Mr. Cumming said :—

"My Lord, Government sympathize with the natural desire of the people of Rampur-Boalia to have a connection with the outside world. The Hon'ble Member has laboured in a somewhat attenuated Council by long quotations and somewhat technical arguments to prove his case in a matter in which Government are entirely at one with him. This matter of railway communications with Rampur-Boalia has been, I regret to say, before the Government for over 30 years ; and the alignment which the local officers have favoured has had the entire support of the Bengal Government for at least seven years. In recent years there has been a controversy as to the merits of two alignments. In each alignment Rampur-Boalia is the fulcrum. There are many arguments which were considered by the Railway Board in their final review of 1916 when they supported the alignment from Gopalpur through Rampur-Boalia to Nachaul on the Godagari line. This was considered by the Secretary of State in connection with the whole question of the improvement of railway communications in Northern Bengal in 1917 ; but I regret to say that on that occasion the Secretary of State passed no final orders in this matter. In March, 1919, as the Hon'ble Member has indicated, this project, although not the project which his townsmen have hitherto advocated, has been entered in the programme of the Railway Board which Sir Arthur Anderson placed before the Imperial Council. The hon'ble mover now asks that the Local Government should press the Railway Board to push on with its construction. I desire to say, on behalf of Government, that if the hon'ble mover will modify the word 'immediately' by substituting for it 'at an early date,' Government will be prepared to accept his resolution. The position is this : the Local Government have always favoured some such communication as he himself desires. The Bengal Government have been overruled as regards the alignment from Nator through Rampur-Boalia to Godagari, which they supported. The alignment which now holds with the Railway Board has been placed in their list of projected works ; but as Sir Arthur Anderson stated, the Government of India are unable to say when it will be possible to commence any of these projects. In the circumstances the Bengal Government would now rather press that this particular project should be pushed to an early completion, than contend further for the alternative alignment which has hitherto been considered by local officers in Bengal as the better of the two alternatives. With these remarks, I am prepared to accept the resolution, subject to the alteration which I have suggested."

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The Hon'ble Babu Kishori Mohan Chaudhury said :—

"My Lord, I thankfully accept the suggestion. It may be put in the modified form."

The resolution was then put in the following form and agreed to :—

"This Council recommends to the Governor in Council that the Railway Board be moved to take up at an early date the construction of the railway line from Issurdi to Nachaul *viâ* Rampur-Boalia connecting the two sections of the Eastern Bengal Railway, viz., Godagari-Katihar line and Calcutta to Santahar main line, the construction of which has already been approved."

Adjournment.

The Council was then adjourned to Monday, the 12th April, 1920, at 11 A.M., at Government House, Calcutta.

J. F. GRAHAM,
Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.

CALCUTTA ;
The 27th April, 1920.

B. S. Press—18-5-1920—237J - 350—S C. R.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Monday, the 12th April, 1920, at 11 A.M.

Present:

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *presiding*.

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble SIR CHARLES STEVENSON-MOORE, K.C.I.E., C.V.O.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. F. J. MONAHAN.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble MR. C. W. GURNER.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble MR. S. W. GOODE.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DAULA AMIR-UL-OMRAH NAWAB SIR ASIF QADR SAIYID WASIF 'ALI MIRZA KHAN BAHADUR MAHABAT JANG, K.C.S.I., K.C.V.O., Nawab Bahadur of Murshidabad.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. R. M. WATSON SMYTH.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU SARAT CHANDRA CHAKRABARTTY.

LIST OF BUSINESS—ITEM No. 1.

STARRED QUESTIONS.

The following starred question was asked and answer given :—

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***1.**

(*a*) Will the Government be pleased to state what is the average width of the Panchanontolla Road in the town of Howrah, and how much of it is left for traffic? **Traffic on the Panchanontol Road, Howra**

(*b*) Are the Government aware that this width, with the railway trains frequently running on one side, is not sufficient for pedestrian and wheel traffic in a town like Howrah?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) and (*b*) The width of the Panchanontolla Road varies so much that it is difficult to strike an average At its widest point, the road is 66 feet, at its narrowest 27 feet. The space left for wheel traffic at the narrower points is small, but it is above the minimum prescribed by an agreement executed in 1889 between the Municipal Commissioners of Howrah and the promoters of the Howrah-Amta Railway which provides that a clear roadway of 14 feet, exclusive of the 6 feet required for the railway, shall be left intact for ordinary wheel traffic."

UNSTARRED QUESTIONS.

The answers to the following unstarred questions were laid on the table :—

By the Hon'ble Sir Deba Prasad Sarbadhikari:—

1.

(*a*) Will the Government be pleased to state whether any firms owning collieries, factories, cotton, jute, and other mills and docks in any part of India, are prepared to admit B.E. students of the Bengal Engineering College for further training, and if so on what terms? **Training of students of t Bengal Engineering College.**

(*b*) If the Government have no such information at their disposal, are the Government considering the desirability of taking steps for obtaining the necessary information?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) and (*b*) Arrangements are already made to give Bachelor of Engineering students of the Bengal Engineering College at Sibpur a course of practical training for one year, in order to enable them to qualify for the final college 'diploma of Civil Engineer.' Such training is arranged for under the Public Works Department, a railway, the Sanitary Engineer, a Municipal Engineer, or if any important work is in progress, under a District Engineer or a recognised firm of contractors. If any student desires to take up docks and harbour, it is arranged that he should be given a course of training under the Port Commissioners.

The proposal that Bengal Engineering students should receive practical training in collieries, factories, jute mills and cotton mills does not commend itself to the Government of Bengal for the following reasons. The Bengal Engineering course is a Civil Engineering course and does not prepare students for work in collieries, factories and mills, for which previous training in mechanical and electrical engineering is desirable, and in the case of collieries special instruction in mining, such as is given in the Sibpur mining classes. Bachelor of Engineering students, not having had a course of mining or mechanical and electrical engineering, would not be good material for a practical training in collieries, factories and mills, while it would be impossible to recognise such training as qualifying for the college diploma of Civil Engineer."

By the Hon'ble Babu Bhabendra Chandra Ray:—

2.

Increase in the establishment of the Criminal Intelligence Department.

(*a*) Will the Government be pleased to make a statement showing the increase, if any, in the establishment of the Criminal Intelligence Department, temporary as well as permanent, since the promulgation of the Defence of India Act, and the resulting increase in expenditure year by year?

(*b*) How much, approximately, of the said increase (if any) in establishment and expenditure, respectively, was necessitated by the administration of the Defence of India Act and other war measures of a similar nature?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) and (*b*) A reply will be given at a later meeting of the Council."

By the Hon'ble Babu Bhabendra Chandra Ray:—

3.

System of payment of contractors under the Public Works Department.

(*a*) Are there any standard rules, or uniform practice regarding the system of payment to contractors, under the Public Works Department?

(*b*) If so, to what extent?

(*c*) At what intervals are bills of contractors required to be paid thereunder, and how far is the system followed in practice?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) and (*b*) Payments to contractors are governed by the terms of the contract for each specific work. The general departmental instructions on the subject are contained in the Public Works Accounts Code, Chapter VII, Part III, to which the Hon'ble Member is referred.

(*c*) Under the rules quoted, running account payments to contractors should ordinarily be made monthly. In the case of petty works and repairs the usual practice is to pay for the work on completion. In the case of large works and repairs extending over a long period, running account payments are made at convenient intervals."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

4.

Goondaism in Burrabazar.

(*a*) Are the Government aware that there exists a panic amongst the residents of Burrabazar and its neighbourhood owing to the depredations of *goondas* and other bad characters?

(*b*) Has the attention of the Government been drawn to a number of specific cases of *goondaism* which have recently occurred, showing how bad the state of things is in Burrabazar?

(*c*) Have the Government taken any steps in the matter?

(*d*) If so, will the Government be pleased to make a detailed statement regarding the steps taken for the punishment of the criminals, as well as the prevention of such occurrences in future, in order to allay the prevailing panic in the public mind?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) Government have received representations regarding *goondaism* in Burrabazar from the Marwari Association, the Marwari Chamber of Commerce and the Marwari Trades Association, but the information before Government does not bear out the statement that there is a panic on the subject. During the last six months there have been nineteen *primâ facie* true cases of robbery or attempted robbery reported in Burrabazar, of which twelve were detected and the accused sent up for trial. In addition to these, there have been a few cases which have been declared to be false; in these, dishonest durwans have taken advantage of the situation to pretend that they have been robbed; six such cases have been reported, and in the majority of these the alleged stolen property has been recovered from the durwans themselves, who have been prosecuted for criminal breach of trust.

(*c*) and (*d*) Government have sanctioned a temporary staff of one European Inspector and a jamadar to supervise the patrolling of Burrabazar and a force of two sergeants, two head constables and thirty constables has been drafted to Burrabazar for the purpose. Great difficulties have been experienced in housing this force in Burrabazar itself and none of the Marwari Associations have so far found themselves able to give any assistance, though a patrol force which is housed outside the area to be patrolled clearly loses in efficiency. The difficulty of dealing with the question by action in the courts lies in the reluctance of persons to give evidence in bad livelihood cases against the principal offenders, who are well known. The whole question is, however under further examination."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

5.

(*a*) What is the difference in qualifications required of a person entering the Provincial Educational Service as a professor and another entering the Subordinate Educational Service as a lecturer or demonstrator?

Lecturers and demonstrators the Provincial and Subordina Educational Services.

(*b*) In what manner do the work, duties and responsibilities of a lecturer or demonstrator differ from those of a professor?

(*c*) Is not the former often required to teach the same subjects in the same classes along with the professor?

(*d*) Is the pay of an officer serving as a professor, lecturer or demonstrator determined according to his academic distinctions and success as a teacher, or on the work he actually does, or on what other grounds?

(*e*) Is it not a fact that lecturers and demonstrators are appointed with different initial pay varying from Rs. 100 to Rs. 200 in different colleges and in different subjects?

(*f*) What is the cause of this difference?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) The minimum academic qualifications required are the same, but those who are appointed direct to the Provincial Educational Service as professors are required to have considerable experience or special capacity. Lecturers and demonstrators in the Subordinate Educational Service are eligible for appointment as professors in the Provincial Educational Service.

(*b*), (*c*) and (*d*) The Hon'ble Member is referred to the statements made by Mr. W. C. Wordsworth in reply to resolutions on the subject of the improvement of the pay and prospects of lecturers moved by the Hon'ble Babu Kishori Mohan Chowdhury in the Council meetings held on 15th March, 1918 and on 14th March, 1919.

(*e*) Under the Government of Eastern Bengal and Assam certain lecturers and demonstrators were appointed on an initial pay of Rs. 100 per mensem. In Bengal such officers are usually appointed on Rs. 125 in class IV of the Subordinate Educational Service except certain demonstrators in the Presidency College who were appointed on Rs. 200 in class VIII of the Provincial Educational Service.

(*f*) The demonstrators for the departments of physics, chemistry, physiology and botany in the Presidency College are in the Provincial Educational Service. Four posts in that service were sanctioned for these demonstrators so that the services of the best men available might be secured and that the college might maintain its reputation as a model institution in respect of science teaching."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

6.

Provincial and Subordinate Educational Services.

(*a*) Is it not a fact that in some colleges demonstrators are in the Provincial Educational Service while in other colleges they are in the Subordinate Educational Service?

(*b*) If so, what is the cause of this difference?

(*c*) Are the Government aware that it frequently happens that a person in a lower grade of the Subordinate Service is promoted to the Provincial Service but persons of superior qualifications in higher grades continue to work in the Subordinate Service?

(*d*) Are the Government also aware that it is frequently found that a junior man teaching a particular subject is in the Provincial Service while a senior man having another subject, with equal or higher academic distinctions and experience, is in the lower service?

(*e*) Are the Government aware of a feeling that exists that it is desirable that equally qualified persons of equal experience in different subjects should have equal status and pay?

(*f*) Is it a fact that many outsiders, who are not in the service, are appointed directly to the higher grades of the Subordinate Educational Service?

(*g*) Is an extra post sanctioned in the grade in which the appointment is made in every case so as not to retard promotion?

(*h*) If not, are the Government considering the advisability of creating new posts in the grade in which such appointments are made?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) and (*b*) The Hon'ble Member is referred to the reply to clauses (*e*) and (*f*) of his question No. 5.

(*c*) and (*d*) It is inevitable that this should sometimes happen, as a professorship in one subject cannot be filled by a lecturer or demonstrator in another subject.

(*e*) It is possible that this view may be held in some quarters, but it would be impracticable to give effect to it.

(*f*) Yes.

(*g*) No. New posts are created in cases in which additional staff is required.

(*h*) No."

By the Hon'ble Babu Bhabendra Chandra Ray:—

7.

(*a*) Is it a fact that acute distress has prevailed for some time in certain areas within the Satkhira subdivision?

Distress in certain areas in the Satkhira subdivision.

(*b*) If so, will the Government be pleased to make a statement showing the extent of the distress, and the steps taken to alleviate it?

(*c*) Is there any truth in the statement that several people have died in certain villages within the Gabura Union in the Satkhira subdivision, as a result of taking insufficient and unhealthy food?

(*d*) Will the Government be pleased to place on the table any local reports they may have received regarding the situation?

(*e*) Have the Government received reports of similar distress from anywhere else?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*), (*b*), (*c*) and (*d*) A copy of extracts from the latest report of the Commissioner of the Presidency Division of the 7th April, 1920, is laid on the table. In addition to the measures already taken as reported therein, Government have sanctioned a grant of Rs. 2,000 for gratuitous relief.

(*e*) No."

Extracts from the report from the Commissioner of the Presidency Division on distress in the Gabura Union of Satkhira subdivision, district Khulna.

WITH regard to the deaths said to have occurred from starvation, it will be seen that the head-constable in charge of the Protapnagar beat-house reported, on the 2nd March, that the occurrence of 14 deaths from starvation in Gabura Union during the month of February had been reported by one Sadar Gazi, chaukidar of that union. This report was seen, on the 5th of March, at Kaliganj, by Inspector Kamini Kumar Banarji who, after sending a telegram to the Superintendent of Police, Khulna, started for Gabura, where he arrived on the evening of the 7th. The Inspector made enquiries in the Gabura Union on the 8th and 9th March and submitted a report on the 12th March, from which it appears that on the 1st and 2nd March the occurrence of 18 deaths from starvation in the union had been reported by 3 chaukidars—Sadar Gazi, Tena Gazi and Kanai Gazi. The result of the Inspector's enquiry, as stated in his own words, was: "The chaukidars did not report the deaths in time and all the 18 deaths were not caused by starvation. The villagers said that the following 5 deaths were due to want

of food, but it is difficult to give a decisive opinion, as the deaths were reported to the beat-house long after, and I had not the opportunity of seeing the victims just before the deaths. It is a fact that they did not get regular food and some villagers of this union are still suffering much for want of food and clothing and using grass seeds for rice." Subjoined to the report is a list of 5 persons—two men, two women and one male child—whose deaths were alleged by the villagers to have been due to want of food. The Inspector's report does not give the dates of the 18 deaths to which it refers. He remained at Gabura until mid-day on the 10th March and distributed some rice there.

Meanwhile, the Inspector's telegram of the 5th of March had been communicated to the Officiating Collector of Khulna, who sent a copy of it on the 6th to the Subdivisional Officer of Satkhira, with a request to enquire personally and arrange for immediate relief if needed. The Subdivisional Officer submitted a report, after visiting Gabura Union, on the 13th March. The date of his visit to the Union is not mentioned in his report, but he must have gone there on the 10th, 11th or 12th. He stated that there was no foundation for the chaukidar's report that 14 deaths took place from starvation. The chaukidar in question could not be found, and it was reported that he had left the mahalla. Of the 14 persons whose deaths were alleged to have been due to starvation the families of 5, viz., two males, two females and one boy, were very poor, and in a distressed condition. These were evidently the same 5 persons whose deaths, according to the Inspector's report, were said by the villagers to have been due to want of food. The Subdivisional Officer added that the 5 deaths in question had resulted from fever or cholera, but the distressed condition of the union gave the opportunity for a cry for the continuance of the relief, and any death taking place was ascribed by the people to starvation.

The Officiating Collector of Khulna made enquiries in the Gabura Union on the 24th and 25th March. He reports that he found many able-bodied men of very good physique in the affected area, and adds: "The 14 deaths originally reported as due to starvation took place from Kartik—(October-November)—onwards. The local people would ascribe them to starvation, and it would, of course, be difficult to obtain evidence to gainsay it. But when it is found that the surviving members of a family are not in bad health and did not show any signs of immediate collapse, the report that one of the family had died of starvation was hard to believe. When, for instance, ducks, fowls and other domesticated animals and birds were found in a house, it was difficult to accept the statement that the mother had died of starvation. Amir Pan who was said to have died of starvation was on close enquiry found to have died of *Rakta-Bikar* (apparently dysentery.)"

There is, thus, no reliable evidence of any death from starvation having occurred in the Gabura Union. It is clear that no death from starvation in the union had been reported to the police up to the end of February. The place is remote and difficult of access, and even if the deaths in question had been promptly reported, which was probably not the case, it would have been almost impossible to obtain reliable evidence as to their cause.

At the same time, it is clear that some distress exists in the Gabura Union and some other unions in the neighbourhood.

As regards the rice crop in this part of the district, Mr. Hart informs me that it was reported after the cyclone by Mr. Dash, the then Collector, that the breaches of embankments caused thereby did no damage to speak of, because at that time the water was sweet, and the flood did not remain on the land long enough to damage the paddy, except in small patches, where it had been planted very late.

Gabura being on the extreme southern limit of cultivation, it is likely that the land there has only recently been reclaimed, and this may account

Maharajadhiraja Bahadur of Burdwan.

for the soil being still saline. Whatever be the cause, it is clear that in this part of the district the last rice crop was to a great extent a failure. It is reported that the crops of the two previous seasons were indifferent, and distress has resulted which probably, owing to the remoteness of the locality, was not completely met by the relief operations. The Civil Surgeon, who accompanied the Officiating Collector in his enquiry on the spot, reports that he noticed some cases of extreme emaciation and chronic bowel-complaints due, apparently, to insufficient nourishment and taking bad and indigestible food.

For the able-bodied there appears to be sufficient work available at present in the making and repairing of embankments and in the excavation of a tank for drinking water, which has been undertaken. It is reported that the wages which were being paid by the local zamindar's naib for repairing embankments were insufficient, but he has agreed to increase the rate from 2 annas to 5 annas a day.

It will be necessary to give gratuitous relief for some time probably until the next harvest to distressed persons who are incapable of working themselves and have no one to support them. The Inspector of Police distributed 4 maunds of rice and a small sum of money on the 9th March, and the Superintendent of Police distributed 15 maunds of rice and 4 tins of arrowroot and left in charge of a Sub-Inspector a quantity of barley, arrowroot, sugar and suji for distribution to invalids. The Officiating Collector took with him to Gabura on the 23rd 50 maunds of rice, 64 pieces of cloth, a supply of arrowroot, Mellin's Food and salt, as well as a supply of medicines. He was accompanied by the Civil Surgeon, and also by an epidemic doctor whom he left at Gabura in charge of medical relief operations. The Circle Sub-Deputy Collector, Satkhira, has, for the present, been placed in charge of gratuitous relief, and instructed to prepare a list of those who require it. In his report of the 29th, the Officiating Collector has asked for a grant of Rs. 2,000 for gratuitous relief. Mr. Fawcus having now taken charge of the district from Babu Dasarathi Dutt, I would recommend that he may be given *carte blanche* to incur such expenditure on gratuitous relief as may be necessary, pending further enquiry which he will be asked to make personally in the Gabura Union and other affected localities as soon as possible. He will also be asked to submit proposals for the organisation and continuance of relief measures for such time as may be required. For this purpose the deputation of a special officer may be necessary, but, before recommending this, I wish to have more precise information as to the extent of the distress.

Mr. Hart has suggested that, if possible, some of the surplus stock of Burma rice which was sold by the late Collector Mr. Dash, at Rs. 5-4 a maund, on condition that it should not be removed from the district, should now be bought back and put on sale in the *hâts* in Gabura and other affected unions, at prices not exceeding Rs. 5-10 a maund. I will ask the Collector to consider this suggestion.

The late Officiating Collector asked for an allotment of Rs. 5,000 for Agricultural loans, which was sanctioned by Government telegram No. 3295 of the 26th March. It is now reported that Agricultural loans will not be required in the affected area until May and June.

LIST OF BUSINESS—ITEM No. 2.

LEGISLATIVE BUSINESS.

THE CALCUTTA RENT BILL, 1920.

The Hon'ble the Maharajadhiraja Bahadur of Burdwan moved that the report of the Select Committee on the Calcutta Rent Bill, 1920, be taken into consideration.

The motion was put and agreed to.

Maharajadhiraja Bahadur of Burdwan ; Maulvi A. K. Fazl-ul-Haq.

LIST OF BUSINESS—ITEM No. 3.

The Hon'ble the Maharajadhiraja Bahadur of Burdwan moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

LIST OF AMENDMENTS
TO
THE CALCUTTA RENT BILL, 1920.

Preamble.

1. The Hon'ble Maulvi A. K. Fazl-ul-Haq moved that after the word "rents" in line 2 of the preamble the words "of small premises" be inserted.

He said :—

"My Lord, it is now for me to move the first of the amendments on the agenda paper, namely, that after the word 'rents' in line 2 of the preamble the words 'of small premises' be inserted. Before, my Lord, I press this amendment, I wish with your Excellency's permission to say a few words in order to explain my position clearly and to avoid being afterwards misunderstood. My Lord, the suggested amendment, it is obvious, wants to restrict the operations of the provisions of the Bill in a considerable measure. I have not attempted to define the phrase 'of small premises,' but an indication of what we mean by an amendment of this character is given by one of the amendments of which I have given notice and also by the several amendments that have been proposed by other Hon'ble Members. Briefly stated, the idea is that the scope of operations of the proposed Act should be limited to premises of which the rent does not exceed a certain limit, and as to what that limit should be there seems to be some difference of opinion, but several Hon'ble Members are of opinion that some such limit should be put. Since I gave notice of this amendment I have come across observations which go to show that it is being understood in certain quarters that the object of bringing an amendment of this character is to benefit the Indian section of the population and try to exclude the European section generally. Speaking for myself, I can say that I have had no idea of this character. It was never my intention if the Act is to be a beneficial measure at all that the Indians should get the benefit of it to the exclusion of another section of the community. I will, therefore, explain what I meant when I gave notice of this amendment. I found, my Lord, on the first day when the Bill was introduced in this Council, that my hon'ble friend Rai Radha Charan Pal Bahadur took up a most defiant attitude and he was not at all in favour of any such Act being passed. I do not remember what he really did say, but from what I understood him to say I found that there was a strong feeling amongst the landlords that this Rent Bill was going to be something like an encroachment on some of their most cherished privileges and they felt it their duty to oppose this measure. Now so far as the tenants are concerned the feeling is also very strong, and I thought that if by a sort of compromise I could placate the body of landlords to a certain extent, I would be able to get some sort of concessions for the tenants. If we put a dividing line as to how far the Act should go, it is obvious that those who would be above that line would not get the benefit of the provisions of the Bill, that is, persons who by reason of their wealth or influence or other causes would be sufficiently strong to protect themselves, and those who would be below that line would be certain persons of the poorer classes who would otherwise be always at the mercy of their rapacious landlords.. I therefore suggest that some such limit ought to be put. It now

remains for the representatives of landlords to explain their position, because in a matter of this kind we ought to understand the position of both landlords and tenants before we go further with the Bill. But if they insist on taking up a defiant attitude, I shall certainly, my Lord, be the last person to make any sacrifice which I believe to be absolutely unnecessary in order to please them.

With these few words I put this amendment for acceptance by the Hon'ble Member."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, I am sorry that a gentleman of the acumen of the Hon'ble Maulvi Fazl-ul-Haq should have been misled in a matter of this nature. In trying an attack on the landlords he is really giving them a sop so to speak. I cannot of course accept this amendment, and I might briefly state the reasons for which I cannot do so. The question is not as to whether we should allow the landlords as a body to assess or to rackrent on the income of buildings above a certain limit. The question is a plain one. The whole principle underlying this Bill is that the practice of rackrenting—the practice of profiteering—has gone on to such an extent in this city that Government are in duty bound, for a time at any rate, to check those malpractices and are constrained to come in and interfere with private rights. If that be so, I do not think that any sensible man could advocate the principle that let the landlords fleece those that can afford to be fleeced. It would be quite a wrong principle—it would be a principle which I could not for my part, not only as Member-in-charge of the Bill but as a landlord myself, advocate or accept. It might easily be proposed that there are poor landlords like those the widow's friend the Rai Bahadur pointed out the other day who have got one wretched house and that therefore they should be allowed to profiteer. I do not think that this amendment could possibly be accepted, because it is so diametrically opposed to the whole principle underlying this Bill, and for these reasons, my Lord, on behalf of Government, I am unable to accept this amendment."

The Hon'ble Maulvi Fazl-ul-Haq said:—

"My Lord, attempts at compromise are always a betrayal of weakness. I confess myself that I need not have proposed an amendment of this character. I do not find anybody else supporting the amendment, and as the Hon'ble Member in charge does not see his way to accept the amendment, I beg leave to withdraw it."

The amendment was then, by leave of the President, withdrawn.

The President said:—

"The amendment that stands next on the agenda paper (No. 2) should not be moved in respect of clause 1. It should be moved in respect of clause 2 which applies to premises, and I would refer the Hon'ble Member to a subsequent amendment, No. 25. I shall remind him of his present amendment when we come to that one."

Clause 1.

3. The Hon'ble Rai Debender Chunder Ghose Bahadur moved that clause 1 (*3*) be omitted.

He said:—

"My Lord, the reason for my moving for the omission of clause 1 (*3*) is this. It is just possible that after some little time the Government of Bengal may extend the operations of this Act to the Cossipore-Chitpur Municipality on the north of Calcutta and to the Tollygunge Municipality on the south of Calcutta. On some morning it will perhaps be found that the Act is extended to these two municipalities and the result will be that the men with capital and land who proposed to build houses in these areas will be deterred from

doing so, and so instead of having more house accommodation in or about Calcutta, the city would be deprived of that advantage. It is not wise that you should create such a feeling amongst the land-owners and capitalists and prevent them from investing their money in building houses in these areas where land is available and buildings are scarce. That is the representation which the land-holders' conference, which met some time ago in the British Indian Association's room, have put before the Government. I think there is considerable reason for the apprehension that it will not be quite a safe thing for people to acquire land at Tollygunge or within the limits of the Cossipore-Chitpur Municipality and build houses there for house accommodation, because at any time if Government choose, a drastic measure like this it can be enforced in these areas. But as it is, this clause really hangs like the sword of Damocles on the people who have any intention of developing the areas on the north and south of Calcutta. If hereafter necessity arises for the operation of an Act like this in these areas, I do not think there will be any difficulty in introducing another Bill for such purpose.

With these observations I commend the amendment to the acceptance of the Council."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, if we turn to clause 24 of the Bill we find that new buildings are not going to be affected. If so, supposing there are developments afterwards in Tollygunge or Cossipore-Chitpur, they would not be affected. Then again, I do not think that any sensible Government would notify the extension of the provisions of this Act to other areas unless they were convinced that a certain number of landlords had again started their old tricks for which we are now legislating in Calcutta. Then again if the Hon'ble Mover of this amendment were to see clause 1 (*3*) to which he has made reference, he will find that we have put in the words 'after previous publication'. That will give time for objections, and I therefore really fail to see why there should be this suspicion—when it is the intention of Government to encourage development of Calcutta or its suburbs—that the moment this Act comes into operation, there is likelihood of its being extended to the suburbs at once. Of course, if there are men in some of these areas who go in for profiteering to such an extent that the Government are forced to step in, that is a different matter. But as clause 24 makes it quite clear that any new building project either in Calcutta or in its suburbs do not come within the purview of this Act and as we have got the words 'after previous publication' it strikes me that there is really not so much ground for opposition.

For these reasons, my Lord, on behalf of Government, I am unable to accept this amendment."

The Hon'ble Rai Debender Chunder Ghose Bahadur said:—

"My Lord, as to the interpretation put on the wording of clause 24, I am sorry I read it differently from what the Hon'ble Member in charge of the Bill has done. It is laid down in this clause that this Act shall not apply to premises erected after or in course of erection at the commencement of this Act. According to my interpretation, supposing if this Act is extended two years hence to Tollygunge it will protect houses erected after the introduction of that Act, but it will not protect those erected or are in course of erection at the commencement of the Act there. So there is a considerable difference between my interpretation of the Act and that of the Hon'ble Member in charge of the Bill. Then it is said that before the Act is extended to any other area there will be a previous publication and the people will be given opportunity to have their say. Is it the same thing as the opportunity given to discuss matters in Council here, or will opportunity be given to discuss the matter in the new Council which is expected to come into existence in 1921? I dare say the tenants will have more representation on the new Council than they are supposed to have now. I, therefore, say that it is the same thing whether you keep sub-section (*3*)

to section 1 or by a stroke of the pen extend this Act to other districts or introduce a second Bill in Council for the same purpose."

The motion being put, a division was taken with the following result :—

Ayes 8.

The Hon'ble Babu Sarat Chandra Chakrabutty.
" " Kumar Shib Shekhareswar Ray.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " Sir Nilratan Sarkar, Kt.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. P. C. Mitter, C.I.E.

Noes 29.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amin-ul-Islam.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Gurner.
" " Babu Kishori Mohan Chaudhuri.
" " Khan Sahib Aman Ali.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. W. H. Phelps.
" " R. M. Watson Smyth.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Maulvi A. K. Fazl-ul-Haq.
" " Babu Siv Narayan Mukharji.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Mr. Arun Chandra Singha.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Dr. Abdulla-Al Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Mr. Aminur Rahman.
" " Mr. Hindley.
" " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" " Sir Rajendra Nath Mukerjee, K.C.I.E.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Cathcart.
" " Mr. Pickford.

The Ayes being 8 and the Noes 29, the motion was lost.

Maharajadhiraja Bahadur of Burdwan; Rai Radha Charan Pal Bahadur; President; Kishori Mohan Chaudhuri.

4. The Hon'ble Rai Radha Charan Pal Bahadur moved that in line 2 of clause 1 (*3*), after the word " publication " the words " and with the previous sanction of the Government of India " be inserted.

He said :—

"My Lord, this is a simple amendment. I only want that the sanction of the Government of India should be received. The sanction of the Government of India has been received to the framing of this Act for the town of Calcutta, so I think that when it is proposed that this Act should be extended outside Calcutta, it will be practically a new Act for that area, and the sanction of the Government of India should also be obtained in connection therewith. I do not think there can be any objection to the proposal, because, after all, it will be the local Government in consultation with the Government of India who will extend the Act to areas outside Calcutta."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I am unable to accept this amendment because we have already taken the sanction of the Government of India to introduce this Bill, and subsequent sanction is not only not required, but entirely unnecessary. This is only one of many amendments framed to obstruct the Act being extended to the suburbs, and to create a wrong impression, because Government will think very carefully before they extend this Act to the suburbs, especially when we have got the building development of Calcutta in contemplation. I do not think this amendment is at all necessary; I object to it, and therefore oppose it."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, if this amendment is not accepted by Government that is a different matter; it will not break my heart; but it is not an amendment to obstruct in any way the improvement of the city. I do not think the insertion of the words will be a stumbling block to the extension of the Act outside Calcutta. I do not think the Government of India is so much in the clutches of the people of Calcutta as to be guided by them."

The motion was then put and lost.

The following motion was, by leave of the President, withdrawn :—

5. The Hon'ble Rai Radha Charan Pal Bahadur to move that at the end of clause 1 (*3*) the words " with such modifications as they may deem necessary " be added.

6. The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the word " three " in line 3 of clause 1 (*4*) the word " five " be substituted.

He said :—

"My Lord, it will take some time for the development of the suburbs and to put up new houses. As the object of the Bill, I understand, is to discourage speculation and profiteering for some time which might retard the progress of the development of Calcutta pending the building of new houses within the town and the suburbs to accommodate the excess population, I think the time allowed is very short, and ought to be extended to 5 years instead of 3 years. It is not necessary to say much in support of this amendment. I put it to the consideration of the Council."

Maharajadhiraja Bahadur of Burdwan ; Kishori Mohon Chaudhuri.

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I should like to have accepted this amendment, but the reason I do not do so is this : It is clear that whenever we legislate in a matter of this nature, we do interfere with private rights, and as the other two Acts in India have been enacted for a period of three years, and as in my opening speech I said that in Bombay the people had appreciated the provisions of this Act so much that they have got it extended for two years more, I think we may leave it to the good sense of the people of Calcutta. If after three years they find that they have derived a certain amount of benefit, which this Bill hopes to effect, we must leave it to them to apply for an extension for another two years, but for the present, I think we ought to be content with three years, and Government is not prepared to accept the figure 'five' for the figure 'three'."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, after what has fallen from the Hon'ble Member in charge I do not press for this amendment, and ask leave to withdraw it."

The motion was then, by leave of the President, withdrawn.

Clause 2.

7. The Hon'ble Babu Kishori Mohan Chaudhuri moved that after the word "and" in line 9 of clause 2 (*c*) the word "also" be inserted

He said :—

"My Lord, this is an amendment only of a verbal nature. The word 'includes' has been used before the word 'Government,' and I think we might conveniently use the word 'also' too."

The Hon'ble Mahrajadhiraja Bahadur of Burdwan said :—

"My Lord, I have much pleasure in accepting this amendment.

The motion was then put and agreed to.

8. The Hon'ble Mr. Arun Chandra Singha moved that at the end of clause 2 (*c*) the following be added, viz:—

"the Corporation of Calcutta, the Calcutta Improvement Trust, the Calcutta Port Trust, and other local authorities".

He said :—

"My Lord, the clause as it stands does not clearly say that the term 'landlord' also includes public bodies such as the Calcutta Corporation, the Improvement Trust, etc. My amendment is only to remove any doubt there may be on this point."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I have consulted the Legislative Department, and I may say that these words are not necessary because the words 'any other person' would cover all these bodies that the Hon'ble Member has in view. It is for this reason that the amendment seems to be superfluous. It is not as if these bodies would be excluded, and therefore the words are not necessary. I oppose the amendment."

Mr. Arun Chandra Singha; Mr. P. C. Mitter; Maharajadhiraja Bahadur of Burdwan.

The Hon'ble Mr. Arun Chandra Singha said:—

"In the circumstances I beg to withdraw my amendment."

The motion was then, by leave of the President, withdrawn.

9. The Hon'ble Mr. P. C. Mitter moved that at the end of clause 2 (*c*) the following be added, viz:—

"Provided nevertheless the expression shall not include a person from whom a lessee has taken a lease of any premises for purposes of subletting or where the lessee has sublet such premises for a period of 7 years or more";

He said:—

My Lord, I am in favour of protecting the actual occupants of houses, and to that extent I am prepared to modify the ordinary contractual rights. The object of this amendment is that if a person originally takes a lease for the purpose of subletting, he shall not be protected for he does not stand in need of protection under this Act. The second portion of my amendment relates to a person who has actually sublet for 7 years or more. The scope of the Act is only for 3 years. To fulfil the object of the Act, I am allowing more than double the number of years for which this Act will run, and, furthermore, a man who has originally taken a lease for the purpose of subletting is perhaps a profiteer of the worst description, and I do not want a man of that character to take advantage of the provisions of the Act and make a profit by subletting at his own figure. That is the reason why I have ventured to put forward this amendment, and I may say that if this amendment is accepted, it will not at all go against either the spirit or the object of this Act."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, the Hon'ble Member himself discussed this point at great length in Select Committee, and I may say that several of us, members of the Select Committee, did not see eye to eye with him. He has thought fit to press this matter in Council to-day. I do not propose to go at any length into the reasons why this amendment should not be accepted, but I will only mention two things. In the first place, I have not heard of any cases where the landlord with eyes open gives his house to a tenant to sublet. Even if he does, I do not quite follow Mr. Mitter as to who is deriving the benefit from this—certainly not the tenant; the benefit will be on the side of the landlord by trying to keep out the middleman. What I feel about this is that in any case, and even if there is a middleman, he could not sublet above the standard rent; if so, why should we exclude the middleman from this? Further, if we were to go into this question of a period of 7 years or more, simply because the Act is to be one for 3 years, we might not only raise difficulties in this clause, but in several other clauses. For these reasons, my Lord, in the first place, because I do not think there is just and sufficient ground to keep out the middleman, and, secondly because I do not think that it is right and proper to do so, I oppose this amendment."

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, I am afraid the Hon'ble Member in charge has not understood my point; and his reply is no answer to my motion. Take the case of a house which has been let out by a landlord to his immediate tenant for Rs. 600

Raja Hrishikesh Laha; Bhabendra Chandra Ray; Mr. P. C. Mitter.

assume that the house contains a number of flats or suites. The standard rent as between the landlord and his immediate tenant will be Rs. 600 *plus* 10 per cent. Now assume the house was never sublet and the middleman paying Rs. 660 to his landlord sublets the different suites or flats at any rate he chooses. In a case of this kind, what justification is there for interfering with the ordinary contractual rights as between the first landlord and the middleman? There may be justification for interfering with the contractual rights of a landlord of tenants in actual occupation. One reason why this Bill had to be introduced was the difficulty of actual occupants in getting accommodation. That reason does not apply to middlemen; therefore, when there has been a long lease between the owner and those not in actual occupation, why interfere with contractual rights? Why extend the scope of the Act more than is necessary? That is the reason why I submit that this amendment ought to be accepted."

The motion was then put and lost.

10. The Hon'ble Raja Hrishikesh Laha moved that after the words "part of a building" in lines 1 and 2 of clause 2 (*e*) the words "or hut" be inserted.

He said:—

"My Lord, I do not see any reason why bustees should be excluded when the purpose of the Bill is surely to afford protection to the poorer classes."

The Hon'ble Babu Bhabendra Chandra Ray said:—

"My Lord, I am sure the Hon'ble Member deserves the gratitude of the poorer people for bringing forward this amendment. If there are any persons, who by common consent deserve protection, it is the poor people, and it is in their interests that this amendment has been proposed. The only possible objection to its acceptance may be that it would tend to discourage clearing of bustee lands, and building operations thereon. It will, however, be seen that where such lands will be required for *bonâfide* building purposes, the proviso to clause 10 will be a sufficient check."

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, I should like to explain one thing, as this matter was discussed in Select Committee. One reason why in Select Committee the words "or hut" were accepted was this—

Perhaps my hon'ble friend Mr. Bhabendra Chandra Ray is not familiar with bustee tenancies in Calcutta, and perhaps he does not know that if this amendment be accepted, then for those for whom he is pleading, the very poor class of people, would be adversely affected. Those who are familiar with bustee tenancies in Calcutta know that a landlord who owns the land is generally a well-to-do man, from whom a comparatively poor man takes 2 or 3 cottahs of land on a precarious tenancy for 3 or 4 years, paying a certain rate per cottah as rent to the landlord, and then that man builds his own huts and sublets them to a number of still poorer men. Now that man (the middleman) has got to recoup all his investments within the course of 3 or 4 years. That man is a poor man (the man in actual possession of the land), and the less he has got to do with Controllers the better. My Lord, I thought it my duty to explain this, leaving it to Government to accept the amendment or not."

Maharajadhiraja Bahadur of Burdwan; Rai Radha Charan Pal Bahadur; Raja Hrishikesh Laha.

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, on an examination of the question we believed that the words 'part of a building' would cover a hut, but I have consulted the Legislative Department and I have been advised that there is no harm in accepting the words 'or hut'. I therefore accept the amendment."

The motion was then put and agreed to.

11. The Hon'ble Rai Radha Charan Pal Bahadur moved that after the words "let separately" in line 2 of clause 2 (*e*) the words "or intended to be let separately" be inserted.

He said:—

"My Lord, I may explain that in many cases there are arrangements for letting houses separately to tenants. For instance, the landlord may live in one portion of the house letting out the other portion say for Rs. 20 or Rs. 30, but if the landlord wants to let the whole house afterwards, he cannot realise more than Rs. 20 or Rs. 30 for the same; therefore, I think that this amendment is necessary in order to enable the landlord to let other portions of his house. Such cases occur in the northern part of the town very frequently; there may be houses divided into two or three parts, and on account of adverse circumstances the landlord is compelled to let other parts of his house. Therefore, this amendment will help such people."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, in the first place, I think this amendment is quite unnecessary because of the provisions in clause (*f*) (*ii*) which says 'that in the case of any premises which were or shall be first let, after the first day of April 1919 . . . . . ' I think that covers the point. And, secondly, I am not so certain about this idea of 'intended to be let separately'. I do not know whether the Rai Bahadur has anything behind his mind, apart from the poor owner. I am afraid I am rather suspicious about this, and so I am not prepared to accept the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said:—

"My Lord, hitherto we have been accustomed to the charge of harbouring suspicions against Government. Now according to the Hon'ble Member in charge it is the Government who harbour suspicion against the non-official members. I think that the charge of suspicion is reciprocated on both sides. However, I thought that the days of suspicion were at an end, but it seems to me that the observations of the Hon'ble Member have emphasised a feeling of suspicion on the part of Government which will, I hope, not be reciprocated on the non-official side, and it would have been better if the Hon'ble Member had not set such an example."

The motion was then put and lost.

12. The Hon'ble Raja Hrishikesh Laha moved that the words "or for the purposes of a shop or an office" in lines 3 and 4 of clause 2 (*e*) be omitted.

He said:—

"My Lord, stalls in municipal markets only have been excluded from the operations of the Act, whereas private markets and shops have not been exempted. In order to move this invidious distinction, I beg to move this amendment. I may also state that as trade is now in a prosperous condition,

shop-keepers can well afford to pay higher rents than ordinary tenants. Merchants, also, are making handsome profits, so they do not want any protection from the Rent Controller for business purposes. It is, therefore, just and proper that their offices should be excluded from the Act."

The Hon'ble Mr. Phelps said:—

"My Lord, some time ago the Hon'ble Raja gave his opinion that shop-keepers were indulging in profiteering; why should not landlords also? Well, there are several reasons why they should not. The two cases are not at all analogous. The shop-keeper renews his stock from year to year, and even from quarter to quarter; if the landlord or the owner of a property or land or house was subject to the same conditions as a shop-keeper is, with regard to his stock-in-trade, there would be some analogy. The Hon'ble Raja said: 'You make 50 per cent. profit, why should we not make 50 per cent. profit also'. But the 50 per cent. profit that the shop-keeper makes is not net profit, but it is gross profit, and there are very few shop-keepers who make more than 10 or at the outside 15 per cent. net profit. Therefore, I am opposed to the Hon'ble Raja's amendment."

The Hon'ble Rai Debender Chunder Ghose Bahadur said:—

"My Lord, my amendment (amendment No. 13) is almost exactly the same as the present one. I therefore take this opportunity of making a few observations in support of this amendment. When this Bill was first introduced the public, so far as could be ascertained from newspapers and public meetings, gave us to understand that the principle reason for such a Bill was to protect people with limited incomes—people with fixed salaries and large families. They found considerable difficulty by the operations of the Transfer of Property Act and the Contract Act; they also found difficulty in getting house accommodation, owing to the limited supply. I may say that this shortage is not due to the small number of houses but to the large influx of people from Europe, Japan and America, and this fact has operated in creating the present situation. The price of building materials is also very high. When the Bill was first introduced, it provided not only relief to people who wanted houses for residential purposes, but also those who wanted accommodation for business purposes, but some modification of this relief has been grafted on to the Bill in the Select Committee. I can quite sympathise with those who have to move to less desirable houses on account of the excessive demands of landlords; but I have no sympathy for business people who would insist in occupying the same kind of shops or offices. I may be in the wrong; it may be that I do not see eye to eye with them; but I do not feel any sympathy for them, because these people have during war time been allowed to acquire large profits from business. It may be, as the Hon'ble Mr. Phelps has pointed out, that the profits of busines people are not more than 10 to 12 per cent., but are we to understand that during war time the profits of those people were 10 to 12 per cent., and not ten times above that figure? If people in the trade had not acquired so much money in the war, they would not have been able to invest so much money in house property in Calcutta as they are doing now. It is a well-known fact that the rise in land values in Calcutta is due to the speculation of these people who made money during war time in business. I do not exclude petty shop-keepers from this category, because they were also making hay while the sun shone. We have seen articles of clothing and food sold at five times their value during war time. As these shop-keepers and office-holders have made an extra profit, I do not see why we should give the benefit of this Act to them. I confess that I am not in the same class as my hon'ble friend is, and I believe that his personal feeling is that people who run an office or business are the people for

whom sympathy has to be shown. As Government are not going to check profiteering in other branches of business, there is no reason that they should extend the operations of this Act for the relief of persons whose cases do not excite any sympathy. You will find, really, my Lord, that I am not speaking in this matter without any precedent to support me. The English Act of 1915 which first made a statutory provision for relief during the war time only provides for relief to occupiers of residential houses, and to occupiers of shops and office premises no relief is given by the British Parliament, and even in the amending Act of 1919 there is no such relief given to this class of people. The only alteration made is that the annual value of houses which were exempted has been raised from £35 to £70. Therefore, I submit that because the holders of shops and offices are comparatively more influential in the city of Calcutta than in a corresponding degree in England, where the rise in the value of property is more respected than here in India, that therefore you should put an artificial check on the exercise of the rights of landlords in Calcutta in favour of keepers of shops and occupiers of offices. I think it may be taken from me that in the English Act, which I have got with me, there is no such provision. The operation of the Act is restricted only to residential houses of the annual value of £70 and, unless it is proved that the legislator of India is more wise than the British Parliament or that the mercantile people are more oppressed here than in any other part of the British Empire, I would move that the words 'or for the purposes of a shop or an office' be expunged from the clause of the Bill."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I oppose this amendment and I propose to meet all the arguments that have been advanced in support of this amendment. It is said that these shop-keepers are also making large profits and, therefore, the landlords would say: 'As you are also making large profits, why should the protection be afforded to you?' Now in answer to this I would say that the shop-keepers may be divided into two classes—honest business-men and profiteers. As regards the former class, they certainly deserve the protection. Now there is no doubt that this Act is essentially and mainly a crusade against profiteering, and so far as this legislation is concerned we are only concerned with one particular class of profiteers. Because there are other profiteers also it does not follow that protection should not be afforded to the shop-keepers who are also suspected to be profiteers. It appears to me that the psychology of the landlords is this: 'Well, I am a profiteer and you are a profiteer also. Now, so far as I am concerned, this Act is giving a death blow to me, and therefore it is only fair that you should not get the benefit of this Act, because we are brother-profiteers and we should, therefore, share the same fate.' Now that is a psychology which cannot commend itself to any reasonable man. No doubt, there is a great volume of feeling in the country that Government should undertake similar legislation on the lines of the present legislation against other sorts of profiteering, but there is no reason that because all possible legislation against all possible sorts of profiteerings has not already been undertaken—and certainly they cannot be all done in one moment—the legislation that is being enacted against one particular class of profiteers should not be done fully. Now, my Lord, amongst the shop-keepers there are some small shop-keepers who make ordinary profits and their number is considerably larger than those who make enormous and abnormal profits, and therefore to withhold the protection of this Act from that large class of people will be something very unfair. They are a very useful section of the community. My hon'ble friend Rai Debender Chunder Ghose Bahadur was telling us that these people were making any amount of profit during war time, but fortunately for us the war is over, and the state of things which prevailed in war time should not be taken into consideration when we are legislating in 1920."

Rai Mahendra Chandra Mitra Bahadur ; Maharajadhiraja Bahadur of Burdwan ; Mr. P. C. Mitter.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said:—

"My Lord, I feel it my duty to oppose this amendment. If we understand properly the underlying principle of the Bill, we come to know that protection is to be given to all classes of people who live in Calcutta. If the object of the Bill is to give protection to those who live in their dwelling houses, that is a different matter, but as I understand, the principle is that the arms of law are to be extended to all classes of people whether they live in dwelling houses or not. When Government and the State have taken the law in their hands for the protection of all people, is it reasonable, is it consistent with justice, to urge before the House that shop-keepers and office-holders should be excluded from the operation of the law? Conceive for one moment that there are shop-keepers who are very poor people, and what would be their condition if the law does not protect them? Bearing in mind the underlying principle of this Act, I submit that the amendment is not a very reasonable one. We are not in England or any other country where we have to quote the English law for our protection. We are to consider the condition of our people, and if it be admitted that there are rapacious landlords who are extorting excessive rents, I think it is fair that this law should be extended to all shop-keepers and those who run offices."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, the discussion as to whether we should omit the words 'or for the purposes of a shop or an office' has been fairly equally balanced. I do not propose to go at any length in opposing this amendment, which of course I must do on behalf of Government. I do not think the question of our wisdom soaring higher than that of the British Parliament arises here, nor does the question that because some of these shop-keepers put up high prices even in pre-war days that they should be punished arise. What the Government are concerned with is this: Has profiteering taken place with regard to buildings let out for shops or offices or not? I hold proof in my hands that it has taken place. That being so, we are in duty bound to rope in the shop and office just as much as a residential building, and further my reply to the Hon'ble Rai Debender Chunder Ghose Bahadur with regard to the profiteering shop-keeper who has inflated the price of foodstuffs and other things would be that if hereafter they still go on profiteering in the way that some of them have done, the Government will have a crushing reply ready for them. The Government will say—'Here we have given you protection against the rapacious landlord and yet when you go on profiteering, you certainly deserve no mercy or indulgence.' I think it must be quite apparent that that is the principle which must guide us in including a shop and an office and not the principle enunciated by the Rai Bahadur.

For these reasons, my Lord, I am unable to accept the amendment of Raja Hrishikesh Laha."

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, as I have proposed an amendment of a similar nature I would say a few words on this amendment. It has been said that although shop-keepers may be profiteering that is no reason why profiteering landlords should be given protection. I entirely agree with that proposition, but I should like the Council to consider another more important aspect of the question. Are we going to legislate with regard to all profiteering? Did we legislate when there was cloth trouble? Did we legislate when the brickfield owners were selling bricks at something twice or thrice the normal price? I entirely agree with Babu Akhil Chandra Datta (he at any rate is consistent) in his suggestion that wherever there is profiteering let there be legislation to put a stop to it; of course if this be a sound view in politics, let us accept

it by all means and follow this view to its logical conclusion. If we do not accept this view as sound, is it wise or right that we should select only one kind of profiteering, namely, the profiteering of landlords? In giving my support to the general principles of this Bill I have always said that a good deal of profiteering is going on and perhaps, to some extent, this Bill is justifiable. I know that no Government can remain unmoved by the cries of a roofless population and that no Government ought to withstand the cries of a hungry population, but does that apply to protecting shop-keepers?

I have no sympathy with the rapacious landlords, but I want to look ahead and to see the present housing problem of Calcutta solved on proper lines and not on lines of mere imitation of Rangoon or Bombay but on lines worthy of Calcutta, by developing her, by making it possible for her to build many larger houses and cheaper houses by promotion of building societies in which tenants, be they tenants of residential houses or shops, will be interested. I want Calcutta to solve her housing problem on lines of self-help and not merely by Bolshevik legislation. It may be necessary temporarily to resort to a legislation of this character to allow people not to go roofless, but does that justification exist in case of shops? I venture to think it does not. My Lord, I would not have troubled myself about shops Speaking personally and for those whom I represent in this Council, I have no interest in shops, but I have been in the Select Committee as also in Council pleading for a juster Act and not for the tenants of shops and in the interest of rapacious landlords. The latter will know very well how to get rid of the provisions of this Act and there are hundreds of ways of doing so for a dishonest landlord. I am pleading for the exclusion of shops for contractual rights should not be interfered with unless it is absolutely necessary in the very interest of the poorer middle class tenants, or in the interest of those whom this legislation seeks to protect. I plead for not extending this legislation beyond what is actually necessary. It may be that my voice is a voice crying in the wilderness, but it may be that a few years hence Government will repent of its hasty action. But there is another matter which I deprecate and deprecate most strongly, namely, the introduction into the discussion of this question the party interest of landlords or the party interest of the tenants. Let the tenants and the landlords all combine and try to solve the housing problem of Calcutta. Sectionalism will do no good to India. For all these reasons I submit that the word 'shop' should be omitted."

The Hon'ble Rai Radha Charan Pal Bahadur said:—

"My Lord, I need not formally move the motion which stands in my name (amendment No. 14). The Hon'ble Raja has said already what ought to be said in this matter. He has said that he has been convinced of unjust profiteering on the part of shop-keepers. I have said from the very beginning that I have absolutely no sympathy with rack-renting landlords, and that I am in favour of legislation to provide shelter for poor people who cannot afford to live in these hard times on account of the economic distress that is now prevailing here, but, my Lord, I have been very carefully searching to find out what the facts are that have induced the Government to include shops and offices in this Bill in order to afford them protection. It has been said by the Hon'ble Member in charge in his introductory speech that there has been profiteering, so far as shops and offices were concerned. My Lord, he may cite 20 or 30 cases of residential houses and there are 16,000 tenanted residential houses in Calcutta. We may leave them aside, because I have said I have full sympathy for those who cannot find shelter, but I will now confine myself to the 5,000 shops within the Calcutta municipality,—my figure is quite correct and it may be verified from the municipal register—may I respectfully inquire, my Lord, in how many cases out of these 5,000 shops has the Hon'ble Member in charge, after due investigation,

Babu Akhil Chandra Datta; Rai Radha Charan Pal Bahadur; Mr. Ashraf Ali Khan Chaudhuri.

found that there has been exhorbitant increase of rent without any justification whatever? I should also like to know another fact: It has been said that many of these shop-keepers are poor; there are no doubt poor shop-keepers, but at the same time we know that, generally speaking, trades people have reaped a substantial harvest during war time. May I also ask what was the income-tax derived from these 5,000 shops before the war and after the war? My Lord, that will be a convincing figure, and it would show that there has been no preposterous rack-renting on the part of landlords in respect of shops and places of business and that business-men have done well and could afford to pay an increased rent. Then I would refer to another point. The Hon'ble Mr. Phelps has said that these shops and places of business make only a ten-per cent. profit. It is common knowledge that trades people have made enormous profits and that they are now rolling in wealth. The Hon'ble Babu Akhil Chandra Datta says the majority of them are small shop-keepers. My Lord, the Hon'ble Babu Akhil Chandra Datta hails from Comilla; he comes to Council perhaps for every third or fourth meeting, and probably that is how he has gained his knowledge of shops in Calcutta."

The Hon'ble Babu Akhil Chandra Datta, interrupting, said:—

"My Lord, I rise to a point of order. The Hon'ble Member has no business to pass these remarks; it has nothing to do with him, whether I attend Council regularly, or only every third or fourth meeting."

The Hon'ble Rai Radha Charan Pal Bahadur, continuing, said:—

"I beg the Hon'ble Member's pardon. I withdraw my remarks. As regards the small shop-keepers, there are small shops in Burra Bazar, but behind those small shops there is a mint of money. Go over any part of Burra Bazar and you will find that it is full of small shops, but as I have said there is large capital behind those shops. Those shop-keepers have reaped an enormous harvest by selling cloth at a profit during the high prices. It has been stated in the Rent Committee's report that the increase of prices of things, that is to say, the lowering of the purchasing power of money, has caused a rise in land values and rents. It is also partly due, as has been admitted by the Rent Committee, to the demolition of buildings by the Calcutta Improvement Trust without any attempt at re-housing the displaced population. Now, my Lord, the rise in the price of living generally has gone above 100 per cent., and I should like to know, my Lord, whether in the case of these 5,000 shops and business places, the rents have been raised to anything approaching the same proportion. My Lord, new enterprises are springing up every day; there is limited accommodation in certain areas called trading areas, and so if a person pays a little higher in order to secure a particular place to carry on his business, I think he should be allowed to do so. I do not see any injustice in it; this is merely business and if this is not allowed to be done, business will be strangled. My Lord, much has been said of the English Act. The English Act controls the rent of small dwelling houses only; it does not control the rent of shops and places of business. If we follow the English law there is no reason why we should not follow it in all its essential features."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said:—

"My Lord, we have heard of the rapaciousness of the shop-keepers, the price of everything has gone up, but if we exclude the shop-keepers from the provisions of this Bill, what will happen; they will have another chance of saying that they have got to pay higher rents, therefore they are entitled to charge more for their goods. That is what will happen. Then how are you going to make a distinction between the small shop-keeper who lives in his

own shop, and the big shop-keeper who keeps his shop for places of busines only and lives elsewhere? It will require a great mathematician to work ou this distinction. It is for this reason, my Lord, that I oppose the amendment.

The Hon'ble Maulvi Fazl-ul-Haq said:—

"My Lord, if I intervene at this stage of the debate, it is to emphasis two points in the speech of the Hon'ble Babu Akhil Chandra Datta and th Hon'ble Mr. Ashraf Ali. With reference to the remarks delivered by th Hon'ble Mr. Mitter with a certain amount of heat, I can only tell him that Bolshevik can only be successfully met by another Bolshevik and that i this particular case, we shall welcome this legislation as an indication, if may say so, of the dawn of slow-returning wisdom on the part of Govern ment. Profiteering has been going on so unscrupulously for the last fe years that it is a pity that Government did not intervene to put a stop to long ago, but because Government has not done what was necessary or eve what was its bounden duty in other directions, is it any reason to com forward and say that because Government has failed in its duty in othe respects that Government should stop its hand in this matter also? Will tw wrongs make one right?

Then, my Lord, as regards another point which has been referred to b Mr. Ashraf Ali, and which I should like to emphasise: If the shop-keeper are not protected, what will happen? These landlords will find that thei chances of profiteering at the expense of residents in houses will be gon and so they will have a greater inclination to seek for fresh fields, and the will try to exact more than a fair rent from the shop-keepers, and the resul will be what Mr. Ashraf Ali has pointed out. Prices have gone up already and they will go up still higher. After all what does the shop-keeper do He imports things from outside India; he pays a certain rate of freight, an other expenses incurred by him; then he pays a certain rent and then make a profit. He will necessarily increase the price of the articles he sell, i you increase his rent. It seems to me that the way would be not to oppos this Bill, but after it has been passed into law, to put pressure on Governmen to undertake legislation on similar lines in order to put a stop to profiteerin in other directions. I know that a course like that is beset with difficulties but we need not be afraid of that. We have got to find a solution to tha just as we have found a solution for the increase in house rents. I therefor think that it will not be wise to oppose this provision simply because simila provision has not been made in other respects, and lastly, I do not see wh merely shops and offices should be excluded from protection. What abou hotels and other places also? If we restrict it only to residential houses, w have got to take away everything else from the purview of this Act. For a these reasons I oppose this amendment."

The Hon'ble Raja Hrishikesh Laha said:—

"I am not much impressed by the arguments adduced by the Hon'bl Mr. Phelps. We own a few houses in Calcutta and the nett return there from is not more than 4½ per cent., whereas you accept the statemen of my hon'ble friend that shop-keepers make a nett profit of 15 pe cent. On his own showing, they make a profit of 300 per cent. more tha the landlords, and if that is not proprofiteering, I do not know what profiteer ing is. As the shop-keeper makes a handsome profit at the expense of th consumers, there is no reason why he should be at all protected.

It has been also urged by other Hon'ble Members that the prices o things will be increased if we raise the rate of rent. All I can say is that m hon'ble friend Babu Akhil Chandra Datta and others have never see Burra Bazar at all. If he had been there he would not say that profiteerin has not gone on. His knowledge in that direction is very limited. I do no see why shop-keepers who indulge in profiteering should be at all protecte I therefore press the amendment."

The motion being put, a division was taken with the following result:—

Ayes—9.

The Hon'ble Babu Sarat Chandra Chakrabutty.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " Sir Nilratan Sarkar, KT.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. P. C. Mitter, C.I.E.

Noes—31.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Aminul-Islam.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. J. F. Monahan.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Gurner.
" " Babu Kishori Mohan Chaudhuri.
" " Khan Sahib Aman Ali.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. A Marr.
" " Mr. F. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. W. H. Phelps.
" " Mr. R. M. Watson-Smyth.
" " Maulvi A. K. Fazl-ul-Haq.
" " Mr. Ashraf Ali Khan Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Babu Mahendra Nath Ray, C.I.E.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mittra Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Babu Sib Narayan Mukherji.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Deba Prasad Sarvadhikari, KT., C.I.E.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Dr. Abdulla-al Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Mr. Aminur Rahman.
" " Mr. Hindley.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Cathcart.
" " Mr. Pickford.

The Ayes being 9 and the Noes 31, the motion was lost.

The President ; Rai Radha Charan Pal Bahadur ; Babu Surendra Nath Ray ; Maharajadhiraja Bahadur of Burdwan.

The President said :—

"Items 13 and 14 are disposed of by the decision of the Council on amendment No. 12."

The following two motions were then deemed to have been withdrawn :—

13. The Hon'ble Rai Debender Chunder Ghose Bahadur to move that the words "or for the purposes of a shop or an office" in lines 3 and 4 of clause 2 (*e*) be omitted.

14. The Hon'ble Rai Radha Charan Pal Bahadur to move that the words "or for the purposes of a shop or an office" in lines 3 and 4 of clause 2 (*e*) be omitted.

15. Motion No. 14 not being carried, the Hon'ble Rai Radha Charan Pal Bahadur moved that for the words "or for the purposes of a shop or an office" in lines 3 and 4 of clause 2 (*e*), the following be substituted, viz:—

"or for the purposes of a shop whose monthly rental is below Rs. 20 and which is let for the retail sale of food-stuffs".

He said :—

"My Lord, it will be seen that what I propose in this amendment is that shops whose monthly rental is below Rs. 20 should only be included within the scope of the Bill. I need not say much on this amendment as the question has been fully discussed already. All I want by this amendment is to protect small shops. I hope the Hon'ble Member-in-charge will agree with me in saying that the bigger shops need not require protection. I hope, though it will be hoping against hope, that this amendment will meet with acceptance at his hands."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I had no intention of taking any part in the discussion of this amendment, but as certain facts regarding certain Government tenants have been placed in my hands, I have risen to support this amendment. My Lord, we have heard much about the rapaciousness of Indian landlords ; we have heard much about profiteering by landlords, but in this respect I really do not know whether the landlords have been following the benign Government. I have got a small list in my hand. It contains the names of 25 or 30 tenants—all Government tenants—of the Orphangunge market who have been served with notices by Government for higher rents. I may say that they have been tenants of Government for the last six or seven years. These tenants have already sent in a petition to the Collector of 24-Parganas, but they have been told by the officer-in-charge of the market that they would have to pay higher rents from henceforth. I will cite a few of these cases :—Abdul Gani has been paying Rs. 23 as rent ; this will be raised to Rs. 30. Gobardhan has been paying Rs. 37 ; his rent will be raised to Rs. 60."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said :—

"May I rise to a point of order, my Lord. I am not quite clear what this has got to do with the protection of shops on a monthly rental of Rs. 20 and less. The Hon'ble Member is here citing certain cases in which Government is going to put up the rents of certain shops above a certain figure, while the amendment before us is for the protection of a certain class of shops."

The President; Babu Surendra Nath Ray; Maharajadhiraja Bahadur of Burdwan; Mr. Ashraf Ali Khan Chaudhuri; Rai Radha Charan Pal Bahadur.

The President said:—

"I do not appreciate the bearing of the Hon'ble Member's arguments upon this amendment. The object of this amendment is to reduce the scope of the Bill so as to exclude from its provisions large shops. Under these circumstances I am unable to follow the arguments of the Hon'ble Member. I cannot see whether he is arguing in favour of or against the amendment."

The Hon'ble Babu Surendra Nath Ray said:—

"I would now place before the Council the case of smaller tenants. One tenant was paying Rs. 17—."

The President said:—

"Order! order! The Hon'ble Member must adduce arguments either in favour of or against the particular amendment which is under discussion. I do not see that the argument which he has so far adduced has anything to do with this particular amendment, and unless he shows me that it does bear on the amendment, I must rule him out of order."

The Hon'ble Babu Surendra Nath Ray said:—

"I am in favour of this amendment. I say that these tenants should also be protected."

The President said:—

"Yes; but then the Hon'ble Member is in favour of the Bill and not in favour of the amendment. This amendment is in favour of reducing the scope of the Bill."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, I must ask the Hon'ble Rai Radha Charan Pal Bahadur not to hope against hope. I cannot accept this amendment because it is against the principles of the Bill. When the first amendment on the agenda paper was moved by the Hon'ble Maulvi Fazl-ul-Haq I explained what the principle underlying the Bill was, and this is driving right against that principle, and as such I must oppose it."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said:—

"My Lord, I would only ask my friend, the Hon'ble Rai Radha Charan Pal Bahadur, who is a great master of statistics, to tell us how many shops there are now let out at Rs. 20."

The Hon'ble Rai Radha Charan Pal Bahadur said:—

"Although I cannot give him the figures just now, they are available in the office of the Corporation, but I believe a very large number of *moodi* shops or small shopkeepers (their number is not quite insignificant, but quite large) who sell foodstuffs will receive protection if this amendment be accepted. I may say without betraying confidence that I understood from the conversation I had with the last speaker that he would favour such a compromise and would support my motion."

The motion was then put and lost.

Kishori Mohan Chaudhuri; Maharajadhiraja Bahadur of Burdwan; President; Mr. Arun Chandra Singha.

The following motion was deemed to have been withdrawn as being covered by previous discussion in the Council :—

16. The Hon'ble Mr. P. C. Mitter to move that in line 4 of clause 2 (*e*) the words " a shop or " be omitted.

17. The Hon'ble Babu Kishori Mohan Chaudhuri moved that in sub-clause 2 (*e*) the words beginning with the words " or lodging house " in line 7 to the end be omitted.

He said :—

" In this amendment a mistake has crept in. I wrote *after* the words lodging-houses and not *beginning with* the words lodging-houses, and the amendment should now be so worded. My arguments in support of this amendment are exactly the same as have been advanced previously. Why should not the shop-keepers be allowed the same advantages as the stall-keepers? There ought not to be any difference between them. If protection is given to one it should not be denied to the other. I, therefore, propose that this amendment be accepted and the words beginning with ' but does not include a stall let for the retail sale of goods in a market as defined in section 3 (*24*) of the Calcutta Municipal Act, 1899 ' be omitted."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

" My Lord, may we not take amendment No. 18 as well? In that case I may reply to both at the same time."

The President said :—

" Perhaps it would be for the convenience of the Council if we took the discussion of Nos. 17 and 18 together as they deal substantially with the same question and the Hon'ble Member-in-charge of the Bill will then give the Government view with regard to these questions. I will put the two amendments from the chair after the discussion has taken place."

The Hon'ble Mr. Arun Chandra Singha said :—

" My Lord, I beg leave to withdraw the amendment which stands in my name."

The following motion (No. 18) was then by leave of the President withdrawn :—

18. The Hon'ble Mr. Arun Chandra Singha to move that for the words " but does not include a stall ", in lines 7 and 8 of clause 2 (*e*), the following be substituted, viz:—

" also a stall or stalls ".

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

" My Lord, when we excluded the stalls it was not the intention really on the part of Government to exclude every kind of stall in a market and for that reason I had thought of mentioning that the amendment to be moved by Mr. Ashraf Ali Khan Chaudhuri would remove the anomaly that at present exists. In fact I had put down for myself, in case the Hon'ble Mr. Ashraf Ali had not turned up, to move a similar amendment on behalf

President; Kishori Mohan Chaudhuri; Mr. M. Ashraf Ali Khan Chaudhuri; Maharajadhiraja Bahadur of Burdwan; Rai Radha Charan Pal.

of Government, and I think if this Council, if your Excellency gives permission to the Hon'ble Mr. Ashraf Ali to move his amendment, were to consider his amendment favourably then it would meet the point that the Hon'ble Babu Kishori Mohan Chaudhuri has in mind. Our object really in excluding the stall as defined in the Calcutta Municipal Act was to meet such cases where, say, in a good mango season in an *amhata* many mangoes come to the market but if it be a bad mango season mangoes do not come to such a great extent. For that reason we thought that there would be difficulty in fixing a standard rent for this particular kind of fruit stall. It was not intended that we should allow stalls to come within the definition of the market, where if there was a cloth shop it would be defined as a stall. Therefore, I think if your Excellency grants permission to the Hon'ble Mr. Ashraf Ali to move his amendment the anomaly would at least be removed and for that reason I am not prepared to accept the amendment of the Hon'ble Babu Kishori Mohan Chaudhuri."

His Excellency the President said:—

"The Hon'ble Member will see that Government are prepared to accept amendment No. 19. If their acceptance of that amendment meets his point perhaps he would withdraw his amendment and allow the Hon'ble Mr. Ashraf Ali to move amendment No. 19."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, if amendment No. 19 be accepted I think that will meet my case also. I, therefore, ask for leave to withdraw my amendment."

The motion was then by leave of the President withdrawn.

19. The Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri moved that after the words "a stall let" in line 8 of clause 2 (*e*) the following be inserted, viz:—

"at variable rents at different seasons or years".

He said:—

"My Lord, after what has fallen from the Hon'ble Member-in-charge I just formally move my amendment."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, there is one mistake in the amendment, as it has been printed. I beg to point out that the words 'of the year' should be substituted for the words 'or years'."

The motion was then put in the following form and agreed to:—

"After the words 'a stall let' in line 8 of clause 2 (*e*) the following be inserted, viz:—

'at variable rents at different seasons of the year.'"

20. The Hon'ble Rai Radha Charan Pal Bahadur moved that in line 8 of clause 2 (*e*) after the words "in a" the words "Bazar or" be inserted.

He said:—

"My Lord, now that the amendment of the Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri is accepted we find that it is only the market that is included, but there are also bazars, as defined in the Calcutta Municipal Act, where there are stalls whose rents are variable at different seasons of the year, such as in

Maharajadhiraja Bahadur of Burdwan; Rai Debender Chunder Ghose Bahadur; Akhil Chandra Datta.

Harrison Road there is a row of vegetable shops and fruit stalls which sell different fruits at different seasons of the year. I think, therefore, that if it be the intention of the legislature to exclude such places, the words 'Bazar or' may be included."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, I thought that my explaining that it was not the intention of Government to exclude every kind of stall in a market would have been a clear enough indication that the Government did not favour the idea of stalls other than those for the kind of fruits and vegetables regarding which standard rent is not possible to fix. Now, my friend comes along with the idea that along with those stalls we should also exclude bazars. Now, if we look at the definition in the Calcutta Municipal Act of the word 'bazar,' we find that it has been defined as a place of trade other than a market where there is a collection of shops or warehouses, and according to the hon'ble mover we would then be excluding the whole of Burra Bazar itself regarding which we have heard so much. I do not think it is at all practical politics to think of including bazars."

The Hon'ble Rai Debender Chunder Ghose Bahadur said:—

"My Lord, certain observations of the Hon'ble Maharajadhiraja Bahadur induce me to refer to certain facts as regards the principal market in the town of Calcutta—the Hogg Market—which belongs to the Corporation. It is not only a market as defined in the Calcutta Municipal Act, but it is a bazar as well. There are shops almost on all sides of it and also in its interior which deal in perishable or eatable goods and they would certainly be called a bazar according to the definition given in the Calcutta Municipal Act. I do not think there would be any difficulty hereafter if we used the words 'bazar as well as market' in place where they have been used. I may also mention here that it is not a fact that the stall holders who sell fruits—perishable things—pay daily rents, but rents are fixed for a certain term, and instead of mangoes the stall-holders also sell other fruits at different seasons of the year. So the Corporation feels no difficulty in the matter of rents which are not variable. I think there is some force in the contention of my friend the Hon'ble Rai Radha Charan Pal Bahadur that the words 'or bazar' should be put after the word 'market.' I am not very particular in this matter because I happen to represent the Corporation, and if the Hon'ble Mr. Payne in the Select Committee has accepted the word as put in the Bill I do not think I should rebel against him and suggest something different, but I merely point out those facts which apparently were not known to the Hon'ble Member-in-charge of the Bill."

The Hon'ble Babu Akhil Chandra Datta said:—

"This amendment is very important. To all superficial observers it would seem that because the word 'market' is there, it would not mean very much if the word 'bazar' was added, but I think there is more underneath this amendment than appears on the surface. It means a lot of things. The words 'bazar' and 'market' are used in a particular meaning in the Municipal Act. The definition of 'bazar' is this: It is a place of trade other than a market where there is a collection of shops or warehouses. Therefore, if the word 'bazar' is added, the result will be as the Hon'ble Member-in-charge of the Bill has said, the whole of Burra Bazar will be taken out. I may go a little further and say that if the word 'bazar' be inserted a considerable portion of the town of Calcutta will be exempted from the operation of this Act. In fact the scope of the Bill will be reduced by more than a half. So the amendment is not so innocuous as it really looks. I, therefore, strongly object to this amendment being accepted."

Rai Radha Charan Pal Bahadur; Surendra Nath Ray; President.

The Hon'ble Rai Radha Charan Pal Bahadur said:—

"My Lord, I may at once explain the motive that underlies my amendment. The amendment to which we all agreed, I mean the one moved by Mr. Ashraf Ali, says that 'stalls let at variable rents at different seasons of the year for the retail sale of goods in a market as defined in section 3 (*24*) of the Calcutta Municipal Act, 1899'. I have moved that this amendment be accepted together with the addition of the word 'bazar' as defined in section 2 of the Calcutta Municipal Act. So there need not be any apprehension of Burra Bazar or other bazars being excluded from the operation of this Act. After all, three-fourths of Burra Bazar are not let at variable rents at different seasons of the year for the sale of different sorts of articles. There are various kinds of bazars, the cloth bazar, the goldsmiths' bazar, and so on and there the stalls are permanent stalls. As a matter of fact, there are some small bazars, take for instance the one in Aheeritolla Street, where there is a range of vegetable shops that sell at certain seasons cabbages and at other seasons potatoes or mangoes. Similarly, in parts of Burra Bazar there are some stalls that sell vegetables and different sorts of fruits at different seasons of the year. When we have excluded these stalls in a market from the operation of this Act, I do not understand why similar stalls in a bazar should not be given the same benefit. I think these stalls should receive the same treatment. This is my amendment, if it is suspicious, throw it away, but it is a *bonâ fide* motion brought forward by me with a view to placing the stalls in a market and those in a bazar on the same footing."

The motion was then put and lost.

21. The Hon'ble Babu Surendra Nath Ray was to have moved that for the words "goods in a market as defined in section 3 (*24*) of the Calcutta Municipal Act, 1899," in lines 9 and 10 of clause 2 (*e*), the following be substituted, viz.:—

> "meat, fish, fruit, vegetables, livestock or such perishable goods in a bazar or market as defined in the Calcutta Municipal Act, 1899."

He said:—

"My Lord, as the Hon'ble Member-in-charge of the Bill has already accepted amendment No. 19, which is practically my amendment, I do not wish to press the point. I ask for permission to withdraw it."

The motion was then by leave of the President withdrawn.

22. The Hon'ble Rai Radha Charan Pal Bahadur was to have moved that for the brackets and figures "(*24*)," in line 9 of clause 2 (*e*), the following be substituted, viz., "(*1*) and (*24*), respectively".

The President said:—

"I think that amendment No. 22 is consequential on amendment No. 20, so it is no longer necessary to move it."

The motion was then deemed to have been withdrawn.

The following motion was by leave of the President withdrawn:—

23. The Hon'ble Rai Radha Charan Pal Bahadur to move that at the end of sub-clause (*e*) after the words and figures "The Calcutta Municipal Act, 1899," the words "or in the neighbourhood thereof" be inserted.

24. If motions Nos. 15, 20, 22 and 23 were not carried, the Hon'ble Rai Radha Charan Pal Bahadur was to have moved that the following words in lines 7, 8, 9 and 10 of clause 2 (*e*) be omitted, viz., "but does not include a stall let for the retail sale of goods in a market as defined in section 3 (*24*) of the Calcutta Municipal Act, 1899."

The President said:—

"Amendment No. 24 is now disposed of by the decision of the Council upon amendment No. 17. Amendment No. 25 deals with a question which is also raised in other amendments. It was first raised by amendment No. 2 in the agenda paper, and I told the Hon'ble Member in whose name the amendment stood that the appropriate place in which to move it would be in respect of the clause dealing with definitions. The same question of principle which is raised by amendment No. 25 is also raised by amendments 41 and 164. If the word 'premises' or rather if the definition of the word 'premises' is to be qualified in any of the ways suggested, the most appropriate place for that qualification to be made is now on this clause, and I propose, therefore, that the general discussion on the question of qualifying the denfiition of the word 'premises' should take place now. If the Hon'ble Members desire that their different proposals should be submitted to the Council separately, I will then put them before the Council in the form of provisos on the lines of amendment No. 25 as soon as the discussion on the general question is disposed of."

The Hon'ble Rai Radha Charan Pal Bahadur said:—

"My Lord, I beg to withdraw this amendment" (No. 25).

The following motion was then by leave of the President withdrawn:—

25. The Hon'ble Rai Radha Charan Pal Bahadur to move that at the end of clause 2 (*e*) the following be added, viz.—

"provided that the Act shall not apply to residential premises whose monthly gross rental value is Rs. 150 and upwards and to a shop or to an office whose gross monthly rental value is Rs. 50 and upwards".

The President said:—

"It is now open to the Hon'ble Babu Surendra Nath Ray, if he desires to do so, to move the substance of amendment No. 2 but drafted in the form of a proviso on the lines of amendment No. 25."

Clause 1.

2. The Hon'ble Babu Surendra Nath Ray moved that at the end of clause 2(*e*) the following be added, viz.—

"provided that the Act shall not apply to premises of which the monthly rent is or was less than Rs. 200 on the 1st of April, 1916."

He said:—

"My Lord, it is a fact and there is no use denying it that in many instances there has been a very large increase of rent in Calcutta and this has caused great hardship on the poorer and middle class people and that there is justification for a measure which tends to give them some security or allay their apprehensions for the future till normal conditions prevail. I admit the right of Government to control private property at the expense of some and for the benefit of the many in case of necessity.

When you are going to control private property it is essential that it should be done only for the benefit of the really needy and to meet cases of real hardship. The English law controlling rent of premises was a

war measure and applied to premises of an annual value of £35 in 1915 and it was only when the pound depreciated that the Act was made applicable in 1919 to premises of an annual value of £70. Here in the present Act it is not proposed to place any limitation and the rich, the poor and middle class people are being treated all alike for which there is no precedent. When Government controlled rice it did not control the price of the finest class of table rice, the Dadkhani rice or Kamini rice, but only the Burma rice. When the question of control of cloth was discussed it was never proposed that the price of the Dacca muslin or the fine silks or shawls or the finest class of broad cloth or furs, although some think them necessaries, also should be controlled. The proposals of the Government of India for controlling cloth only contemplated the production of a kind of very coarse cloth needed for the very poor. If you are going to control house-rent equity demands that the power should be exercised only in cases where there is real hardship.

People who want to live in buildings for which the city is known as the City of Palaces with double tennis courts and grounds for herbarium and orchid house, in marble floors with spacious dining-room, drawing-room and dressing-room with the latest kind of sanitary arrangements in a fashionable quarter, with hot and cold water arrangements and accommodation for a large number of servants must pay for these at the current market rate. They cannot expect the Legislature to pass a law for their benefit.

I therefore move that the provisions of this Bill should be applicable only in respect of premises having a rent of not more than Rs. 200 per month on the 1st April, 1916, for it is from this period that the standard rent will begin. I think small houses or flats occupied by middle class Europeans or by well-to-do Indian gentlemen could be had on the 1st April, 1916, for Rs. 200. This will meet with the necessities of the present situation. Why should rich people take advantage of legislation which ought to be intended for the poor.

It has been said that you can get better accommodation in London for £70 per annum than you can in Calcutta at the same price. I have no personal knowledge of conditions of life in London, but surely in 1916 people who paid Rs. 2,400 for rented accommodation in Calcutta got better accommodation than for £35 in London in 1915."

[The Council here adjourned for lunch.]

[The Council re-assembled after lunch.]

The President said :—

"Does the Hon'ble Member in whose name No. 41 stands desire to speak on it ?"

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I have an amendment, No. 41, but I would like to speak on the principle of the amendment of the Hon'ble Babu Surendra Nath Ray, reserving my right to reply on the amount of the annual value of the house which should be protected."

The President said :—

"I might read the form of the amendment which I suggest the Hon'ble Member should move. If he accepts the proposal which I made before we

adjourned I would suggest that his amendment should read in this way :

'Provided that the Act shall apply only to premises of which the annua rateable value as it stood in the municipal assessment book on the first day o April, 1919, does not exceed Rs. 2,700'."

The Hon'ble Rai Debender Chunder Ghose Bahadur said:—

"If your lordship will give me leave, I would substitute the figure Rs. 5,500 for Rs. 2,700, so that as it is of higher value, it might be brough within the scope of this Act, and so that the tenants who paid Rs. 500 a month on the 1st of April, 1919, might be protected under this Act.

It is hardly necessary for me to point out that in England the minimum annual value of houses which are protected by the restricting Act is £70. A house with an annual value of £70 is not exactly the same as a house of an annual value of Rs. 700 here. The same kind of house here would fetch a higher rent. I have no personal knowledge, but others who have say that a house yielding a rental of £70 in London would fetch three times that rent here. That would be something like the annual value for which my Hon'ble friend Mr. Roy has been contending, but he told me this morning that the effect of such an amendment would indicate racial feeling, as the European resident generally would be excluded from the operation of the Act. The Hon'ble Mr. Phelps also says the same. I would therefore restrict rise in the rent of houses of an annual value of Rs. 5,500 which means a monthly rent of Rs. 500 *less* 1-10th per cent. for the cost of repairs and then I do not think it could be said that the movers have been actuated by racial feeling. But if there is ground for such a suspicion—the movers being all Indians, and no Europeans supporting them—I think the suspicion would be removed if Government were to accept my amendment. The English Act is an Act for preventing the increase of rent of small houses. The English Act does not give any reason why larger houses are exempted, but the Hon'ble Member-in-charge owes it to the Council to say as to why in Calcutta where there is a mixed population, and where the landlord element, both in European and Indian quarters, is hardly European, I think the Hon'ble Member owes a duty to the Council to explain why a wholesale condemnation of house-owners is contemplated by this Act. Government seeks to redress the distress of poor people. But that is one thing, and to condemn the whole class of landlords is another. I think the reasoning for the wholesale inclusion of all houses on the ground that profiteering has to be checked is not exactly a sound one. You should have not only the idea of checking profiteering, but also the alleviation of distress. As regards profiteering it has yet to be shown that houses fetching Rs. 500 on the 1st April, 1919, bear an increased rent now on account of the profiteering spirit of the owners. I do not think the Hon'ble Member-in-charge has cited a single case of this description in his introductory speech. It is better to go on figures than upon feelings. One feels very much for the tenant who has got to go out, but have we got to protect all classes of tenants? Has not the landlord of a tenant paying Rs. 2,000 a month when the lease expires at the end of 20 years the right to increase the rent if the old tenant is prepared to pay him and remain? I do not see where the injustice and hardship comes in. I know of a house in Chowringhee occupied by a firm of well-known traders for many years. After the passing of this Act, the landlord will be debarred from increasing the rent of that house. I know of another house near the Museum which has changed hands for 5½ lakhs, and the purchaser will now be debarred from enhancing the rent which was only Rs. 800 before when the tenant left. It is very hard on that landlord when he paid so much for that house. The injustice is not to the tenant, but to the landlord. It has been a puzzle to me that while in Great Britain the Act applies only to small houses, why it should apply to all sorts of houses in Calcutta. If we are to copy legislation, why go to Rangoon, a city of wooden houses, and not to England. If your lordship allows me to change tht figures in my amendment from Rs. 2,700 to Rs. 5,500 as the annual value then there would be no complaint of hardship."

The President said :—

"The Hon'ble Member's amendment should now be considered in the following form :

'That at the end of clause 2(*e*) the following be added, viz.—

'Provided that the Act shall apply only to premises of which the annual rateable value as it stood in the Municipal Assessment Book on the first day of April, 1919, does not exceed rupees five thousand and five hundred.' "

The Hon'ble Mr. Phelps said :—

"My Lord, I must heartily congratulate my friends on the left, and particularly the Rai Bahadur, for his frank and whole-hearted, and I may say, honest support of landlordism. He is a landlord, and he is a loyal landlord. He does his very best to further interests of landlordism perfectly unabashed. There is not a single note of sympathy in all his amendments, with either the poor or the tradesman. He says he does not understand trade, and I believe him. He says he does not understand poverty, and I believe him. He says he does not understand, and has no local knowledge of things and rents in England, and conditions in England, and I believe him. I can assure the Hon'ble gentleman that any European who goes Home to England from Calcutta, and in the course of conversation happens to mention the rent he is paying for his house in Calcutta is usually put down as a story-teller. They will hardly believe him. I have seen handkerchiefs thrown up in the air as a test whether they should believe him or not. Comparisons are odious, and they are unreasonable. To compare houses in England in a temperate climate with houses in a tropical climate under tropical conditions of life is unreasonable and, if I may say so without offence, devoid of knowledge. In England one could live in comfort in rooms 12 to 14 feet square without any verandahs, without many what we call necessaries here, and luxuries there ; the two sets of conditions do not bear any relation whatever to one another ; therefore the standard of rent treated with in the English Act—£35 raised to £70 a year—should not be mentioned by anybody who knows anything at all about it. I crave leave of Your Excellency to again correct my Hon'ble friend in his statement about the assessment in Calcutta ; I took the liberty of explaining to my Hon'ble friend personally, but he would not take the correction. He says the Calcutta Corporation in assessing the value of houses allows ten per cent. for repairs ; I explained to him that they also allowed ten per cent. for vacancy ; he said 'No no,' but I repeat it and I know what I am talking about. I have made this my special study for years, and I say it is ten per cent. for vacancies and another ten per cent. for repairs ; but whether in every case ten per cent. is the standard for repairs, I do not know, and in many cases, in recent years, the ten per cent. for vacancies might very well have been omitted. However, that is the law. My Hon'ble friend instanced the case of a well-known business house in Park Street. He says the landlord there after the passing of the Act would only be able to charge ten per cent. more than the rent which he was getting on the 1st of April, 1919, and he considered that a very great hardship on the part of the landlord. Then he went on to tell us of another hardship of a gentleman who paid 2½ lakhs for a house standing on grounds covering 14 cottahs. That house used to fetch Rs. 800 a month, and the gentleman takes it upon himself to go and pay 5½ lakhs of rupees for it. This property would in the ordinary course be only worth Rs. 2,40,000, but the gentleman goes and pays 5 lakhs for it, and my Hon'ble friend says that if this gentleman is not able to double his rent, how will he make it pay ? Well, my Lord, this is the kind of thing that has been going on for the last two years in Calcutta, and that is the reason why

an ordinary person cannot get a house for an ordinary rent, or an ordinary price. I have no sympathy with a man who will go and deliberately give twice the value of the property in a boom. and hopes to get his money back out of the tenant. For these reasons, my Lord, I oppose the amendment."

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, I did not originally intend to take part in the discussions to this amendment, but I think it my duty to place before the Council some errors into which the Hon'ble Mr. Phelps has fallen. I think my Hon'ble friend Rai Debender Chunder Ghose Bahadur is quite right because in section 151 of the Calcutta Municipal Act the percentage allowed is an allowance of ten per cent. for the cost of repairs and for all other repairs necessary to maintain a building and not 20 per cent.

Then, my Lord, there is another thing about which I should like to refer to shortly. I am not in favour of any differentiation between this class of tenants and that class of tenants, but at the same time, I feel that if persons in high position—persons like the Chief Justice, Judges of the High Court, Members of the Executive Council, members of the Civil Service and big merchants—find difficulty in getting accommodation in that part of the town where they were accustomed to reside, it is because unlike London where shop-assistants do not aspire to live in Mayfair. A European here, however humble his position, wants to live much above his station, and what is the result? In that particular quarter of the town where 10 or 20 years ago a certain class of men used to reside, we find now shop-assistants on 2 to 3 hundred a month crowding three to a room, and the result is that rents go higher. So it will not do merely to restrict rent by passing an Act of this kind, but it will also be necessary for the society to adjust itself."

The Hon'ble Mr. Phelps said:—

"I am speaking not particularly about the Act, but I am quoting the procedure that is actually followed in the Corporation."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, the amendment under consideration raises the fundamental question of principle as to whether there should be any differentiation at all or whether all tenants, big or small, should be governed by the same provisions of the law. This is a point, my Lord, upon which there is a considerable difference of opinion, and at one time I was inclined to be in favour of the view that there should be some differentiation. But after giving my best consideration to the question and hearing all parties and arguments that can possibly be urged on either side, I have come to the conclusion that there should be no differentiation at all. Now, my Lord, what is the result of a differentiation as proposed in this amendment? The result will be preferential treatment meted out to the big landlords. What I mean is this: Big houses mean necessarily big landlords. There is profiteering both in small and big landlords, and that is the assumption upon which we are proceeding. That being the position, the result of this differentiation will be this. While the small landlords will be penalised the big landlords will go scot-free. That is an aspect of the matter which cannot be accepted. In other words it will be giving undue preference to the big landlords. Then there is another aspect which ought to be taken into consideration and it is this: A certain limit is proposed to be put. Now suppose that during the last year or the year before last a rapacious landlord managed anyhow to force up the rent higher than the proposed limit. In that particular case what will be the

result of this amendment? The result will be putting a premium upon the rapaciousness of that particular landlord. Let us consider that there are two landlords, one of whom has managed anyhow to force up the rent higher and the other, who is a good landlord, has not done it. If the principle of differentiation is accepted, the result will be that the man who did not force up the rent will be bound by the provisions of this Act, whereas the other landlord—the rapacious landlord who managed anyhow to force up the rent—will not be so bound. So the result will be putting a premium upon the rapacity of some landlords. I have given my best consideration to this matter, and the only argument that suggests to me in favour of this amendment is this. Well, we might leave the big people alone; they know how to take care of themselves, and it may be said—well, after all, in their case it is a luxury to enjoy big houses, whereas in the case of small tenants it is not a case of luxury but it is a matter of necessity. It has been suggested to me by my Hon'ble friend to the right with whom I discussed the matter in the morning that some people may find it necessary to give up their customary mode of living, to give up the houses which they used to occupy and to take smaller houses, being unable or unwilling to pay higher rent. If that happens, the remedy will be worse than the disease. The real housing problem of Calcutta will not be solved and besides there will be no relief either to the landlord or to the tenant. If the bigger houses are vacated and the smaller ones are occupied, neither will it be an encroachment upon the field of smaller tenants without any relief to the landlords. Then, my Lord, there is the other general consideration that law is not a respecter of persons. That is a principle which ought to be applied not only in favour of small tenants but also in favour of big tenants. As far as I know, there is no rent law under the Transfer of Property Act or the Contract Act or the Presidency Small Cause Court Act which makes any distinction between big tenants and small tenants. Let us just take the particular case which was stated by the Hon'ble Maharajadhiraja Bahadur of Burdwan in his introductory speech where he said that in one case the rent of one house was raised from Rs. 750 to Rs. 2,750. Now, my Lord, the man in occupation of that house may be a rich man, but none the less it cannot be said that it was not a case of real hardship.

For all these reasons I cannot support this amendment."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"My Lord, I oppose this amendment on the ground that underlies it or rather that seems to underlie it, that is, the differentiation between the Europeans and the Indians. My Hon'ble friend seems to think that because the Europeans are earning more they ought to pay more for the house-rent. I may be wrong to think that this is his intention, but that is what struck me. Secondly, I oppose this amendment because my friend is inclined to think that a big house means a big tenant. My friend forgets that for want of accommodation in Calcutta people club together and some four or five persons take a big house, each of them paying perhaps less than Rs. 200 a month. Therefore, if this amendment is carried, what will happen is this : Persons who have the good sense of clubbing together in one house will be punished, having to pay more rent. We all know that it is very difficult to get houses in smaller flats as one can get in England. Perhaps in England you will get 4 or 5-roomed flats, but here you cannot get this sort of accommodation for say Rs. 175 or Rs. 200 a month. For these reasons I oppose this amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, with reference to the observations of the Hon'ble Mr. Phelps, I think I may state it for his information that he is not quite correct

in his statement that 20 per cent. is allowed on account of repairs and vacancies. As a matter of fact 10 per cent. is ordinarily allowed and where there are several tenants living separately another 10 per cent. is given, but in cases where there is more than one tenant, another 10 per cent. is allowed at the discretion of the Deputy Chairman or the Vice-Chairman, but the ordinary law is 10 per cent.

With regard to the argument of the Hon'ble Mr. Ashraf Ali, I think I am correct in stating that a house which is let out to several tenants and which yields a total rent of Rs. 200 a month will be protected even if this amendment is accepted. My friend must not forget that 'premises' means not the whole premises but part of premises which is let out to tenants.

As regards Rs. 500, I do not want to say anything further because after all the matter has been fully discussed, and it is quite immaterial, so far as I am concerned, whether it is Rs. 500 or Rs. 200. My own view is that it would have been better if legislation had been undertaken on the lines of the English Act, but as there seems to be an impression that I have made the suggestion with the intention of excluding the Europeans—which is furthest from my mind—I have simply stated what my views are. What I am rather surprised to hear is that the condition of things is so different here from those which prevail in London, that a tenant paying £70 per annum in England cannot be assumed to be on the same basis as a tenant paying Rs. 200 or Rs. 500 a month here."

The Hon'ble Babu Bhabendra Chandra Ray said:—

"My Lord, this is one of a series of amendments which propose to limit the operation of the Bill to houses bearing comparatively low rentals. I am free to admit that there is considerable force in the contention that legislation should protect only persons of more or less limited means. Those who live in high style are no doubt equally the victims of rack-renting; but in their case there is an ample margin for economy. There is, however, another aspect of the case which seems to go against the amendment.

The other day my Hon'ble friend Rai Radha Charan Pal Bahadur divided the landlords into two classes—first, those who drive in motor-cars, and second, those whose circumstances do not permit them to travel except in tram cars. As an illustration of the latter class he drew a very moving picture of the poor widow and the orphan having to depend upon a slender income from house-rent for their meagre subsistence. May I ask, in the interest of which of the two classes are these amendments proposed? Are they calculated to help the indigent widow and orphan among the landlords? Certainly not. For they will be precluded by this measure from adding to their modest income from house-rent beyond a certain limit, while the motoring landlord, who owns the larger houses, will have no bounds to his rack-renting ambition.

If we are to accept this amendment, I do not know, my Lord, how to avoid the comment that will certainly be made that this Council has yielded to the opposition of the high and mighty landlords, and has ignored the interests of the less exalted house-owner. If we have to be obnoxious to the landlords, let us have the courage and fairness to be uniformly obnoxious to the entire class—motorists and non-motorists alike."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, I suspected when the amendment was being moved that a certain amount of discussion would be brought forward regarding the style

of living, but I am glad to find that, with the exception of one or two speakers, this has been more or less avoided, although I must say that the first speaker, the Hon'ble Babu Surendra Nath Roy, rather had his hits in a distinctly veiled manner, insinuating that those who could afford tennis courts and other luxuries should not be protected. My Lord, we are not here to discuss those that prefer the simple mode of living or those that prefer motor-cars or tennis courts. What we are concerned with is the principle underlying the Bill. In the very beginning when the Hon'ble Maulvi Fazl-ul-Haq wanted to make a change in the preamble I said on behalf of Government that we could not deviate from that principle. I of course must confess that my brain has been more bewildered than my eyes used to be pained when I used to go to a cinema show—in the days when it was not so perfect as it is perhaps to-day—in the way in which Rai Debender Chunder Ghose Bahadur went from one subject to another. He went on with the question of meting out punishment to booming landlords and then he jumped on at once to the question of giving protection to the rich. I really could not follow whether he was advocating the protection of the poor or the rich. To my thinking he is not only advocating the protection of the rich but he is advocating in this Council that one section of the rich should chase out another section of the rich or those who can pay. I think it must be apparent to this Council that what we are really concerned with is as to whether the principle of profiteering or rack-renting is right or wrong. We say it is wrong and we want it rectified and to rectify the people who in their lust and eager desire make more money than they ought to make. This Bill is a corrective measure, it is not a measure to encourage a particular section of the landlords. As the Hon'ble Babu Akhil Chandra Datta in his very forcible speech has pointed out, we shall be depriving the poorer landlords by affording such a protection to those who can well protect themselves. My Lord, I think it is perfectly clear to this Council that protection is being asked not because those for whom protection is being asked are poor but because they are rich and they want to have the upper-hand on a class of people who can afford larger houses. I think it shows a very regrettable petty-mindedness apart from the question of principle. But it is on the question of principle that I oppose and strongly oppose these amendments."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, it is well known that in England the Act of 1915 and the subsequent amending Act of 1919 were war measures. It was only in Bombay that for the first time we find that no limitation was put to the value of holdings, but in England it was first applicable to holdings having a net municipal value of £35 and then it was raised to £70. The conditions of Bombay are quite different from those of Calcutta, and I think for that reason no limitation was put in the Bombay Act. If Calcutta is a city of palaces Bombay is a city of hotels. Those who have been to Bombay will probably corroborate me in saying that there are very few residential houses in Bombay. It is a place full of hotels and it is only in the Malabar Hills that there are a few respectable residential houses. Moreover, when the Act was passed in Bombay no accommodation could be had either for love or money there. That was a place whence people left for Mesopotamia, France, England and all other places and the war materials were collected there. Soldiers were also housed there and so it was necessary to put some sort of restriction on the rapacity of the landlords. Therefore there could be no differentiation between large and small holdings in Bombay. But in Calcutta where you have got not only palaces but also respectable buildings for the middle class European gentlemen and respectable Indian gentlemen and where you have got separate quarters for Europeans and Indians. I think

there ought to be some sort of differentiation. My Hon'ble friend Ra Debender Chunder Ghose Bahadur has said that the annual value of a holdin in England which is worth £70 per annum would be worth about Rs. 20 per mensem here. I have put the figure at Rs. 200, but I am quite prepared t change it to Rs. 2,700 per annum. But I am not prepared to accept Ra Debender Chunder Ghose Bahadur's amendment that it ought to be raised t Rs. 500, for how many people I should like to know live in houses or flat worth Rs. 500? As a matter of fact I know from my personal experienc that even gentlemen who have got an income of Rs. 4,000 do not even pay s high a rent. I know one Judge of the Calcutta High Court pays Rs. 400 month as house rent. As regards the members of the Executive Council, do not think any of them pay more than Rs. 500.

Mr. Phelps has said that 20 per cent. is allowed for repairs and I ma state for his information that not 20 but 10 per cent. is ordinarily allowed fo repairs. If he goes through the bills of such respectable contractors as Mackintosh Burn & Co. he will find that 10 per cent. is not generally charge by them—they charge 15 to 20 per cent.—and those who live in houses wort Rs. 500 must have their houses repaired by Mackintosh Burn or Martin & Co

When I put down the figures I did not make any distinction betwee Europeans and Indians. In fact, I stated that middle class English men and well-to-do Indians who used to pay Rs. 200 a month on the 1s April, 1916, should be protected by the Act. The Hon'ble Member-in-charg had stated that we must base our law on principle only, irrespective of th question of rich and poor. My contention is : protect them who are in need c protection, rich or poor. The President of the Chamber of Commerce wa the President of the House Rent Committee. He did not want protection that was never his suggestion. The Hon'ble Raja Hrishikesh Laha wh was a member of the Committee never wanted protection. Even the Hon'bl Mr. Phelps in his note of dissent did not ask for protection. If these are facts then why give protection to those who don't want protection and who ca afford to pay high rents? I can cite some facts in support of my contentio but as they are of a personal nature, I refrain from mentioning them. Indeed people who used to pay Rs. 500 before can now easily pay Rs. 800. This i all I have got to say."

The motion was then put and lost.

Motion No. 41 as amended was then put and lost.

26. The Hon'ble Maulvi A. K. Fazl-ul-Haq moved that for claus 2 (*f*) (*i*) the following be substituted, viz:—

> " (*i*) the rent at which the premises were let on or before the firs day of April, 1916, with such addition to this rent, not exceed ing twenty per cent., as the Controller may deem reasonabl and proper."

He said :—

"My Lord, this amendment to my mind raises a point of the most vita importance to the entire tenant population of Calcutta. I go so far as to sa that in case the Bill is not amended somewhat on the lines which I hav ventured to suggest, we had better have nothing to do with a piece of legis lation which comes to us in the guise of a ministering angel but is in realit a most insidious foe. My Lord, it is proposed that for the purposes o standard rent we should look to the rent as it existed on the 1st April, 1919 But what are the facts? It is notorious that for some time past rack-rentin had been going on at such an exorbitant rate that about the 1st April, 1919 it had reached its climax, and I think it will not be very far from the truth

when I say that the very evil which this Act proposes to remedy had been consummated by about that date. I could not collect figures for a very large area of this city, but I have got figures for certain houses near about the neighbourhood of where I live—Turner Street, Marsden Street, Ripon Street, Royd Street, etc.—and I find that in about 1916 the rents began to rise and taking an average of all the houses, I put the rise down to 6 per cent. In 1917 the average was 17 per cent., in 1918 the average worked out to something like 36 per cent. and in 1919 the average was well over 43 per cent. I am of course speaking of the average. In certain particular cases it was 50 per cent. or more. My Lord, if you take that as the basis, then what we actually do is to give the landlords who had been enjoying all these profits of rack-renting for the last four years, an excess of 10 per cent. of the rent which had already been in excess before. Would the Hon'ble Member-in-charge of the Bill support a proposition which instead of providing any remedy to the tenant really makes his position much worse than at present. You allow him the rent paid on the 1st April, 1919, when, as I have said, profiteering had already reached its climax, and after having done that you give him an increase of 10 per cent. Therefore, I respectfully submit that this suggestion is so monstrous that we tenants can never accept it. I must strongly oppose it. I have suggested that the rent paid in 1916 should be taken as the basis. I know there are many landlords who have not increased their rents for some time. In these cases, the Controller should be authorized to allow him an increase of not more than 20 per cent., or as he deems fit and proper. Instead of tying the hands of the Controller, we should leave it to his discretion as to what the increase should be in order to make it fair and equitable both to the landlord and the tenant. I have tried to make my suggestion as elastic as possible. I have not attempted to put down any hard-and-fast rule. There is, I submit, a strong case to take the rent of 1916 instead of 1919 as the basis for calculating the standard rent, and in order to afford some sort of relief to the landlords who have not raised their rents, I have suggested an increase of 20 per cent. I believe that this is a suggestion which should be acceptable to the landlords and not work harshly on tenants.

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, in principle, as regards allowing the landlord a certain percentage of increase there is not much difference between the Hon'ble Mr. Haq and the Government because calculating from April, 1919, we have allowed 10 per cent. If the Government had found that profiteering to that extent which was found to be the case in 1919 had taken place in 1916 and since then, then this proposal would certainly have been quite fair, because as it is three years we are making it 10 per cent.; if it were six years, it would have been 20 per cent. as proposed by the Hon'ble Maulvi Sahib. In practice it would have meant 10 per cent. if profiteering had taken place to that extent in 1916; but the main point which the Government had to consider in fixing the date was whether profiteering was really so general in 1916 as to justify our putting back the date to 1916. I am personally not aware of some of the instances which the Hon'ble Maulvi Sahib has quoted regarding Turner Street, Royd Street, etc., but we know for a fact that profiteering really began towards the second half of 1918; there were practically no cases in the beginning of 1918; it really began in the second half of 1918, and it was in the first half of 1919 that things reached the climax. It is therefore not a question as to whether the Government is not prepared to put back the date to 1916, in favour of the landlords. In legislation of this kind Government has got to be fair, and Government does not consider that it would be fair to put the date back to 1916. Evidently the Hon'ble Member has accepted the principle of a certain amount of

increment to be granted to the landlord, and that is quite correct because I believe the Calcutta Corporation in calculating their assessment generally calculate a 5 per cent. increase. If that be so, it will be seen that a 10 per cent. increase for 3 years to which we are going to restrict it, is really less than what the Calcutta Corporation's calculations come up to in three years. Therefore, taking every side of the question into consideration I, whilst agreeing that Government are fully justified in curbing the passion for high rents that some landlords indulge in, do not think it would be at all justified in putting it back to a fictitious date like 1916. For these reasons, my Lord, I am sorry I have to oppose this motion."

The Hon'ble Maulvi A. K. Fazl-ul-Haq said:—

"My Lord, I am sorry I am not convinced by the Government reply. The Hon'ble Member-in-charge has said that the principal question to be considered is whether profiteering had become general or not. I admit that it had not become general in 1916. That was only the beginning. People had just began to realize what a nice game it was to play. It became worse in 1917, it became notorious in 1918 and it reached its climax in 1919. The Hon'ble Member has himself admitted that it was very brisk in the second part of 1918. What did the landlords do after that? Did they hold their hands in 1919? Indeed, it reached its climax in that year. So that if you take the rent of 1919 as the basis, you give the landlords something more than he bargained for. That is what I object to. It has been said that I object to the increment given to the landlords. I do object to that. If you take 1919 as the basis then I do certainly object to any further increment given to the landlords. They have had enough already. If I accept the principle of increment it is only under the particular circumstances that the rent of 1916 is taken as the basis but not otherwise. As at present advised, I would press the amendment."

The motion was then put and lost.

27. The Hon'ble Mr. Phelps moved that the words "with the addition in either case of ten per cent. on such rent" at the end of clause 2 (*f*) (*i*) be omitted.

He said:—

"My Lord, we have reached a somewhat somnolent condition this afternoon, but I hope I shall be listened to with some patience. I move this amendment because the rise in rents commenced in 1917, and by 1918 I was led to call public attention to the matter in the Corporation. I was not successful in inducing the Corporation to regard the matter with any seriousness, but by the year 1919 the rise in rents had become a public scandal. The Government however, taking all things into consideration in drafting this Bill and wishing to hold the balance fairly between landlord and tenant, fixed April 1919 as the date of the standard rent. Although many people thought that April 1918 would have been better and fairer, I for my part was willing to waive the point. The Select Committee, however, have seen fit to go one better, and have actually allowed a 10 per cent. rise on the rates paid in 1919. We owe that, I suppose, to the landlord interest in the Select Committee as represented by my redoubtable friends to my left. I submit, my Lord, and I appeal to the Hon'ble Member-in-charge of the Bill, for support, that the allowance of 10 per cent. over and above the rates obtaining on the 1st April, 1919, is not reasonable. Hundreds of respectable people who are now struggling with their family expenses, will receive no relief whatever, and we must not forget that the primary object of the Bill is to give these people

relief. I shall quote some figures, not my own, but figures collected by the Rent Committee—the famous Rent Committee of which I was a member—to show the difference between the rents of 1919 and of 1918. They will show that the rents of 1919 were much advanced to those of 1918, and ought in all conscience to be deemed adequate without the additional burden of another 10 per cent. In this matter, I represent not only myself and my own interests, but I represent hundreds of persons who have appealed to me, many of them personally, and many of them through their various agencies. I have here three or four petitions imploring me to move in the matter. In order to substantiate, my Lord, what I have said and what I have urged in the matter of the increase of rents in 1919 and that of 1918, I will quote from statistics collected and collated by the Rents Committee, but which were never published, and have never seen daylight before. Here I have 10 or 12 sheets, the figures of one column of which shows the percentage of increase of rents in 1919 over 1918. I fancy, my Lord, these figures will be an eye-opener. The first on the list is an increase of 142 per cent. I will read them as they occur: 142, per cent., 133, 25, 100, 26, 40, 60, 122, 23, 85, 55, 28, 32, 114, 170; these are not my figures, my Lord, they were collected by the Rents Committee; then it goes on, 80 per cent., 150, 60, 70, 28, 40, 30, 30, 38, 95, 16, 7, 27, 13, 83, 22, 10, 9, 21½. These figures show the increase in 1919 over that of 1918; 52, 10, 18, 12½, 13, 15, 16, 14, 20, 14, 28, 8, 10, 13, 13, 68, 100, 22, 35, 22, 7, 6, 6, 18, 12, 20, 10, 30, 12, 15, 35, 14, 9, 18, 11, 17, 12, 11, 28, 80, 40, 10, 33, 12, 20, 22, 30, 22, 25, 25, 11, 16, 37, 22, 7, 15, 13½, 10.

I think, my Lord, this is sufficient to show that the rise beginning in 1919 over that of 1918 is, to put it mildly, somewhat extravagant. I am an owner of property myself; I have seven tenants, and have not raised my rents since 1909; still the property pays. It has been paying so well, that I have been offered a handsome premium, to part with it. The rents are so reasonable that two of my tenants have raised their rents voluntarily as a compliment to my honesty.

I should like Hon'ble members to understand that these are official figures collected by the Rents Committee, the Government Rents Committee, the famous Rents Committee, and I would ask permission, my Lord, to put these figures in, to go down in the records of these proceedings."

The President said:—

"I do not think it would be in order for the Hon'ble Member to put any statement in the official records of this Council which have not been made public in the course of our proceedings. Any figures which he has quoted will appear in the record. But it will not be in order to record in our proceedings figures which he has not adduced in the course of his speech."

The Hon'ble Mr. Phelps said:—

"That will answer my purpose, my Lord, if the reporters have been kind enough to take down the figures. It only remains for me to say that the fact was endorsed that very few complaints were received by the Rents Committee from the public of Calcutta. Time after time people have come forward privately to me and given me information like this, but warning me not to publish their names.

I appeal to the Hon'ble Member-in-charge, and to Your Excellency on behalf of the public, to reconsider the decision and support the amendment. A man came to me last night, but he urged me for goodness' sake to regard the matter as confidential. I appeal to the Hon'ble Member-in-charge

earnestly on behalf of the public to reconsider his decision to support the proceedings of the Select Committee. I think, my Lord, I have shown some reasons for my contention. I was half inclined to support my friend the Hon'ble Maulvi Fazl-ul-Haq's amendment, but I desire to be perfectly fair to the landlords as well as to the tenants, and I do not wish to say or do anything that will lead anybody whatever to suppose that I am inimical to the landlords."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said:—

"My Lord, I beg to support the amendment. I do not endorse all the observations which have been made by the Hon'ble Mr. Phelps. I do think that when the Select Committee conceded an additional percentage of 10 per cent. it was moved on various considerations. We must say that under the influence of nobody did the Select Committee make the suggestion and the Hon'ble Mr. Phelps might have considered that the advantageous statement in that section was due to other causes. But it is a matter for the consideration of the Council whether 10 per cent. should be considered as an addition over the year 1919. My own view is that if this had been calculated on the basis of the year 1916 it would have been sufficient for the purpose. If it be argued that there was profiteering in the year 1919 the additional percentage might be considered as something unfair. If at the very beginning (1916) there were signs of profiteering then I submit the additional percentage might be allowed, but to admit it in the same breath that there was profiteering in the year 1916 and at the same time to increase it by another 10 per cent. is not a correct view of the matter. Therefore my respectful submission is to consider whether that percentage is to be based on the year 1919 or the year 1916."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, Government have very carefully considered this question of giving an additional 10 per cent. on the standard rent, and I may say that there is a certain amount of justification for those who desire to press that profiteering began in 1918. But with regard to the principle of allowing 10 per cent. on the standard rent, I think it must be admitted that when we are going to restrict any increase in rent we must take into consideration every side of the question. I believe that it will be admitted, as I said when presenting the report of the Select Committee, that there were certain reasons for which a landlord could justly claim a certain amount of increase on what we may fix as the standard rent. Government considered this matter carefully and in Select Committee agreed to this 10 per cent. on the understanding that those who pressed for a fancy 25 or 30 per cent. would not press that matter further in Council. I shall probably have to say something in case this amendment were thrown out with regard to Mr. Phelps' next proposal, and on that I might be prepared to concede something on behalf of Government, but on the present proposal, I am sorry I am unable to accept this amendment. I think that taking everything into consideration, it is only fair that the landlord should get a certain percentage over the standard rent."

The Hon'ble Mr. Phelps said:—

"My Lord, I only bow to the dictum of the Hon'ble Member-in-charge I have to say no more than what I have already said, but I gather from his remarks that this 10 per cent. rise was a sort of sop to some of the members of the Select Committee who were pressing for fancy percentages. My Lord, I ask for a division."

The motion being put, a division was taken with the following result :—

Amendment No. 27 was then put and a division was taken with the following result :—

Ayes—7.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Arun Chandra Singha.
" " Maulvi A. K. Fazl-ul-Haq.
" " Babu Kishori Mohan Chaudhuri.
" " Babu Akhil Chandra Datta.
" " Mr. W. H. Phelps.

Noes—27.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amir-ul-Islam.
" " Major-General W. H. P. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. Gurner.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. R. M. Watson Smyth.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Raja Hrishikesh Laha, C.I.E.
" " Sir Nilratan Sarkar, Kt.
" " Babu Surendra Nath Ray.
" " P. C. Mitter, C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Babu Sarat Chandra Chakrabutty.
" " Babu Sib Narayan Mukherji

The following Members abstained from voting :—
The Hon'ble Mr. Ashraf Ali Khan Chaudhuri.
" " Babu Bhabendra Chandra Ray.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Mr. Aminur Rahman.
" " Mr. Hindley.
" " Dr. Abdulla-ul-Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" " Sir Rajendra Nath Mukherji, K.C.I.E.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Cathcart.
" " Mr. Pickford.
" " Khan Sahib Aman Ali.

The Ayes being 7 and the Noes 27, the motion was lost.

Mr Phelps; Maharajadhiraja Bahadur of Burdwan; Rai Radha Charan Pal Bahadur.

28. Motion No. 27 not being carried, the Hon'ble Mr. Phelps moved that for the figures "1919" in line 2 of clause 2 (*f*) (*i*), and wherever else they occur in the Bill, the figures "1918" be substituted.

He said :—

"It remains for me to move my second amendment having lost the first.

I do not wish to take up the time of the Council any further, I simply move it."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, when this matter was discussed in the Select Committee I suggested to some of the members of that Committee that if they were going to give 10 per cent. increase the date ought to go back to at least January 1919, but since then the Government have considered the matter very carefully and it is perfectly true that in the latter half of 1918 there was a good deal of profiteering. If, therefore, Mr. Phelps were to substitute the words 'November 1918' for '1918' I would be quite prepared to put the matter to the free vote of the Council."

The Hon'ble Mr. Phelps said :—

"My Lord, I accept the Hon'ble Member's suggestion."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have listened very carefully to the speech of the Hon'ble Mr. Phelps. He has quoted from the statements, which were not available to us, certain cases of rack-renting which were brought to the notice of the Rent Committee. My Lord, we are in a very disadvantageous position because we have not got the statements with us and we are not aware whether in all those cases the rent was increased without any addition or alteration to the buildings or the rents were increased on the buildings as they existed before the increases were made. I speak with a free and unbiassed mind in the matter, and if it is really true that there has been a general and widespread exorbitant increase of rent of the houses in the town without any addition or alteration to the buildings, or change in their conditions or environments, then I think the Hon'ble Mr. Phelps' proposition would require the most attentive consideration and support of this House. But, my Lord, in the absence of any information to that effect I am afraid an atmosphere is created which unfortunately prejudices the minds of many. Mr. Phelps has read out from a statement giving certain instances out of, I may say, 22,000 rented houses in Calcutta, of about 60 or 70 cases, and I find from the report of the Rent Committee that they got their forms duly filled up and returned by 250 occupiers of houses in Calcutta. I do not know in how many cases out of those 250 statements that were furnished to the Rent Committee were rack-renting ascertained, and whether it is an undeniable fact that those increases had been effected without any change or addition to the buildings. This requires very careful consideration.

It is the general idea and the Hon'ble Member-in-charge of the Bill had assured us that there has been an abnormal increase towards the second half of 1919 and the standard rent has been fixed from 1st April, 1919, basing it on that fact. I think it behoves the Government, before they see their way to accepting the amendment of Mr. Phelps, to shift the information which he is vouchsafing us and to satisfy themselves that there has been a widespread enhancement of rents in the town, from the time quoted by Mr. Phelps, and I earnestly hope that Government will do this. Figures must be available to satisfy this Council on this point otherwise I am afraid a grave injustice would be done to the landlords. I do not

-ny that in certain cases there has been excessive rack-renting, but that oes not justify us to assume that there has been an universal rack-renting the city. All these facts required to be carefully considered and threshed it before the Council accepts the motion of Mr. Phelps."

he Hon'ble Maulvi Fazl-ul Haq said:—

"My Lord, I am really surprised that the Hon'ble Rai Radha Charan l Bahadur should have been so ungracious as to refuse to the tenants of lcutta little or small mercies which the Government are now prepared to ow them. We forget that Bombay took steps to remedy this evil by gislation as early as 1918, and when they took steps in this direction they und that profiteering and rack-renting had been going on at such a emendous rate since 1916 that they were content to take the 1916 nt as the basis. That is to say, at the time they undertook legislation ey put back the date from which standard rent must be calculated to two ars. I think, my Lord, my friend the Hon'ble Rai Radha Charan Pal Bahadur ll admit without any extensive survey of the kind that he has proposed at during the two years 1916-18 there was not so much profiteering as ring the years 1918-20. It is a proposition which has only got to be ated to be accepted. This profiteering went on briskly since the ar 1916 and it was brisker still during the latter years. If the amount of ofiteering that was going on in 1916-18 justified the Government of Bombay undertake legislation in order to put a stop to such rack-renting is it not fair at we should ask the Government here also to begin with the year 1918 and take that as the basis of the standard rent? What the Hon'ble Member-charge of the Bill has proposed is not April 1918 but he has suggested ovember 1918, and I personally think it does not afford any relief to the nants. I would only be willing to vote in support of this motion simply cause I find that I cannot get anything better and it is only because I must y to make the most of what is offered to us. Although I suggest that this not at all sufficient, I am very much surprised that my friend, Rai Radha aran Pal Bahadur, should come forward to oppose this amendment. If the t is passed as it stands drafted in the Bill, Government might instead of ing through the elaborate provisions of the Bill say at once in one section t the rent stand what they are to-day: Profiteering is now almost over.' ere has hardly been anything since this Bill was in the air. There were otest meetings going on and people took the alarm and what they had done ey had done previous to 1918. As to the evil that has been done in Calcutta, stead of having all these elaborate provisions in this Bill one might well say that there will be no further rack-renting. Therefore I say is more modest than what the landlords could fairly expect. In these cumstances it is not fair to the tenants to oppose this amendment. I there-e support the amendment."

e Hon'ble Mr. P. C. Mitter said:—

"My Lord, I must confess that I have a good deal of sympathy with this endment. It is no doubt true that in many cases profiteering landlords ve increased the rent considerably. It is equally true that in many cases am glad to find Mr. Phelps is one of them) landlords have not raised their nts at all. My Lord, my quarrel is not with those who desire to stop undue sing of rents, but my quarrel is with the whole basis of the Act. This Act, ich allows a profiteering landlord to add 10 per cent., stands in the way of e moderate landlord who has never raised his rent but seeks to punish n for his moderation. I have pressed and pressed consistently for this in the lect Committee and there is an amendment in my name in which I am asking at the tenant should be given power to reduce the rent in the case of a dlord who has increased his rent unduly, and similarly the landlord should allowed to get a fair percentage of increase if he has not increased his rent

in the past. But instead of that what is the whole basis of the Bill ; it takes a certain date automatically as the date for fixing a fair rent. It may be very convenient, it may be very practical, but I say it is unjust both to the landlord and to the tenant. If you take a certain date automatically you must be unjust to someone whatever that date may be. If you take it as April 1919 you are unjust to the tenants because in the meantime a large number of profiteering landlords have increased their rents and with regard to them the argument of the Hon'ble Mr. Phelps is perfectly sound. On the other hand, if you fix the rent automatically, there again on the argument of Mr. Phelps you are unjust to the landlords. Therefore if later on my suggestions are accepted and the idea of dealing justly between landlords and tenants is accepted, it does not very much matter whether the date is 1st April, 1916, or 1st April, 1918, but at the present stage the difficulty I feel in accepting either view is this : I do not know what percentage of landlords have profiteered unduly. If a large percentage have profiteered unduly I would be inclined to vote with Mr. Phelps, but if on the other hand I find that on the 1st November 1918, a large number of landlords did not profiteer unduly then I would be prepared to vote in favour of the motion as it has emerged from the Select Committee and my difficulty is all the greater because we had no chance of considering the position earlier. This was not in the original Bill and this was not mooted in the Select Committee, the only thing that was suggested in the Select Committee was 1st January, 1919, but even that was not fully discussed. Now, my Lord, that is the position and I feel great difficulty either in opposing or supporting the amendment, but I say that there ought to be some provision in the Bill by which we can do justice both to landlords and tenants."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, Mr. Phelps' amendment raises such an important point that I feel I shall be failing in my duty if I only give a silent vote in support of it. There are one or two facts about which there is no controversy, namely that there was a general rise in 1918, that there was profiteering on an extensive scale in that year and that the climax was reached in 1919. That being the position and these being admitted facts, I think it will not be fair to take April, 1919, as the basis for standard rent. It would result with the addition of 10 per cent. in an enormous increase in the rent, for in 1919 itself the rents were enormous. Therefore, the only fair way would be to fix the date in 1918. In fixing the date for standard rent we should take into consideration the time when there was profiteering on an extended scale. And it being the admitted fact that there was profiteering on an extended scale in April, 1918, I think it necessarily follows that we should fix the date in 1918. Mr. Phelps wants April, 1918. That is quite fair, but if that is not possible, then of course November, 1918, will certainly do."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, but for the Hon'ble Babu Akhil Chandra Datta's intervention I would not have spoken. But, as it is, I would only address the Council on one or two points. The Hon'ble Babu Akhil Chandra Datta says that there had been profiteering and it commenced in 1918. But for his intervention I might have better considered Mr. Phelps' amendment, for Mr. Phelps knows Calcutta conditions and lives among us. But it is not for Babu Akhil Chandra Datta, who comes to Calcutta for a day or two now and then, to say that profiteering has been going on here. But for his intervention, as I have said, I might have induced myself to accept Mr. Phelps' original amendment. There is the recommendation of the Select Committee. It is for those who want a change in the date to put forward evidence. The evidence ought to have come from the Government side and they were in a position to put it forward as they must have been in possession of figures. But there has not been shown any evidence as to the right date on which profiteering began. I think if there are figures, the members of this Council ought to have them. They could have been collected

Mr. Phelps; The President.

easily from the Registration office. There are also the Municipal assessment records. But these evidences have not been placed before us. I submit such a change ought not to be allowed."

The Hon'ble Mr. Phelps said:—

"My Lord, my hon'ble friend to my left doubts my figures. In order to strengthen my case I would give him a few additional figures showing the rise from 1919 up to January 1920. The additional rise in 1919 has been 23 per cent., 480, 45—these are additional figures—100, 60, 120, 166, 113, 96, 33, 57, 100, 75, 25, 146, 52, 75, 82, 163, 212, 54 and 165 per cent. These are additional rises in 1920—60 per cent., 124, 36, 21, 80, etc. In regard to the inquiry as to what the rise was in 1918 over that of 1917, I am able to give some figures. These are they :—25, 25, 16, 10, 30, 40, 32, 33⅓, 10, 12, and so on. The rise in 1918 over that of 1917 was comparatively modest. It was in 1918 that I first began this propaganda against extortionate rents, and I think my case is fully justified when I say that in 1917 there was a slight rise, in 1918 it became decided, in 1919 it became scandalous and in 1920 it has became preposterous."

The President said:—

"The Council will understand that Government are leaving the decision of the question to the unfettered discretion of the Council, that is to say, the official members will have equal liberty with the non-official members to vote for the amendment or against the amendment or abstain from voting as they think right."

The motion was then put in the following form :—

"That for the words and figures 'April 1919' in line 2 of clause 2 (*f*)(*i*) and wherever else it may be necessary to give effect to the purpose of the amendment, the words and figures 'November, 1918' be substituted."

The motion being put, a division was taken with the following result :—

Noes—11.

The Hon'ble Babu Sarat Chandra Chakrabartti.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Debendr Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " Sir Nilratan Sarkar, Kt.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Gurner.
" " Babu Sib Narayan Mukherji.
" " Mr. P. C. Mitter, C.I.E.

Ayes—19.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E, C.V.O.
" " Major-General W. H. B. Robinson, C.B., I.M.S
" " Mr. J. F. Monahan.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Babu Kishori Mohan Chaudhuri.
" " Mr. M. C. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. W. H. Phelps.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Mr. Arun Chandra Singha.
" " Mr. Ashraf Ali Khan Chaudhuri.
" " Maulvi A. K. Fazl-ul-Haq.

The following members abstained from voting :—

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amin-ul-Islam.
" " Babu Bhabendra Chandra Ray.
" " Mr. L. S. S. O'Malley, C.I.E.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Mr. Aminur Rahman.
" " Mr. Hindley.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.V.O.
" " Sir Deba Prasad Sarbadhikari, KT., C.I.E.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Cathcart.
" " Mr. Pickford.
" " Khan Sahib Aman Ali.
" " Mr. R. M. Watson-Smyth.
" " Maulvi Abul Kasem.

The Ayes being 19 and the Noes 11, the motion was carried.

29. The Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri moved that at the end of clause 2 (*f*) (*i*), the following be added, viz.—

" and provided there is no lease or agreement to a lease ".

He said :—

"My Lord, as soon as the Bill passes into law the rents will increase 10 per cent. automatically. But you are not restricting the landlord's right to increase the rent. My amendment is to the effect that there should be no rise of 10 per cent. if there is any lease or agreement to the effect that there should be no rise within the next few years or any period of time. I do not mean of course that if the agreement says that the rents should be increased 50 per cent. next year, the landlord will have the right to enforce it. But what I mean is this : if there is an agreement or lease between the landlord and the tenant, written or verbal, to the effect that there should be no rise in the rent during the period of the lease, then the landlord will not have the right to the 10 per cent. increase. If there is such a lease in existence, then the tenant's right should be protected. Otherwise, as soon as the Bill becomes law even the landlords, who have agreed to such leases as I have mentioned, would also increase their rent by 10 per cent. This will lead to litigation. If my amendment is accepted, it will protect the tenant's right and will also save litigation. My amendment is not to protect the landlords who have by force or otherwise got the tenants to execute a lease for, say, a 50 per cent. increase. That he cannot do under the provisions of this law, but my amendment only wants to protect the tenant's right and to restrict the 10 per cent. increase. My Lord, this is an emergency Act. You want to protect the tenants. You do not want the tenants to go to the civil courts. Therefore on behalf of the tenants I submit that it

Mr. O'Malley; Mr. Ashraf Ali Khan Chaudhuri; Mr. Arun Chandra Singha; The President.

would be far better if we have this addition in the clause. It will save the tenant's rights and it will save him from going to the civil courts to fight his landlord. My amendment does not affect the standard rent at all. It will only restrict the increase of 10 per cent. if there is a lease. That is my idea and with this view I commend the motion to the Council."

The Hon'ble Mr. O'Malley said :—

"My Lord, I think that the object of the Hon'ble mover is rather to go behind the decision, at which the Council has already arrived, that there should be allowed an addition of 10 per cent. on the rent paid on the 1st November, 1918; and on that ground alone I must oppose this amendment on behalf of Government. Also, I am advised that the effect of adding this proviso may very possibly be to produce a situation which would be against the interests of the tenant himself. The interpretation of this proviso may be that there should be no addition of 10 per cent. allowed in those cases where there was a lease or agreement to lease, and further that in cases where tenants have given or been forced by unscrupulous landlords to give a lease or an agreement to a lease on a high rental, such as, say, 50 per cent. above the standard rent, the tenants would not get the protection of this clause. On this ground, too, I must oppose the amendment."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"My Lord, as I have already said, my amendment is only to protect the tenant. It cannot mean that if there has been an agreement for a 50 per cent. rise, the landlord will have the right to enforce that. Clause 4 with its proviso provides for that. I will give you a concrete instance. Suppose there is a tenant who is paying Rs. 100 a month as rent. There is an agreement between him and his landlord that there would be no increase in the rent for the next 5 or 6 years. That agreement has not been registered—in Calcutta these agreements are, as a general rule, not registered. Now, as soon as this Bill is passed into law, the landlord will claim a 10 per cent. increase in spite of the agreement. The Controller can do nothing but refer the tenant to the Civil Court. The tenant has no remedy whatever. It is to guard against this that I have suggested this proviso. The standard rent will not be affected by it. We have sufficient safeguards under clause 4. I would therefore press the amendment."

The motion was then put and lost.

30. The Hon'ble Mr. Arun Chandra Singha was to have moved that the following be added at the end of clause 2(*f*) (*i*), viz :—

> **"Such addition not being allowed where the rent has been increased within the preceding two years".**

He said :—

"My Lord, as amendment No. 28 has been accepted, I beg leave to withdraw this amendment."

The motion was then, by leave of the President, withdrawn.

31. Hon'ble Maulvi A. K. Fazl-ul-Haq was to have moved that for the **gures "1919" in line 2 of clause 2 (*f*) (*ii*) the figures "1916" be substi-ated.**

he President said :—

"Amendment No. 31 is consequential upon amendment No. 26 which as already been rejected by the Council."

The Hon'ble Maulvi A. K. Fazl-ul-Haq said:--

"In any case, I beg leave to withdraw the amendment."

The motion was then deemed to have been withdrawn.

32. The Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of clause 2 (*f*) (*ii*), the following be added, viz:—

"and in the case of any premises which fell or shall fall vacant, the rent at which the premises may be first let after the commencement of this Act".

He said:—

"My Lord, as far as I understand, the object of this Bill is not to allow the existing tenant in any way to be disturbed or rack-rented. The Bill also makes provision that the standard rent of a house which has not been let before 1st April or 1st November, 1918, should be the rent at which the house was first let. I take it, my Lord, that if a house is vacated and remains unoccupied then the new tenant will come and occupy the house, and I believe it is just and proper that this house should be treated in the same way as the house which was first let because it will not disturb the existing tenant in any way and it will also help a large number of new-comers in this way. There may be four or five applicants for the house and perhaps someone who is in the greater need of the house may make his own arrangement with the house-owner as he would do in the case of a house which is first let. If my amendment is accepted no hardship will be involved to the existing tenant, and therefore I move this for the consideration of the Council."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, this is one of those amendments of the Rai Bahadur which it seems very hard to ascribe a motive to, but underlying it I feel is that consistent desire on his part to cut away at the very root of the Bill. He wants us to believe that because a house falls vacant after the commencement of this Act we should not interfere. He wants that a case of that kind should not come under the purview of standard rent. I think, my Lord, on the face of this amendment it must be quite apparent to the Council that the only thing to do is to summarily throw it out. On behalf of Government I am unable to accept it."

The Hon'ble Rai Radha Charan Pal Badadur said:—

"My Lord, it is hardly worth while to reply considering the frame of mind of the Hon'ble Member. All that I want to say is this: it is not my intention to do away with the standard rent altogether. What I want to press is that a vacant house may be placed on the same footing as a house which is first let."

The motion was then put and lost.

33. Motion No. 9 not being carried, the Hon'ble Mr. Provash Chandra Mitter was to have moved that the following be inserted as clause 2 (*f*) (*iii*), viz:—

"(*iii*) a fair rent settled by the Controller, where a lessee has taken a lease for purposes of subletting or where the lessee has sublet the premises for a period of 7 years or more".

Babu Surendra Nath Ray ; The President ; Rai Radha Charan Pal Bahadur.

He said :—

"I have discussed the principle embodied in this amendment in connection with a previous amendment of mine, and in view of that discussion I do not want to press this."

The motion was then, by leave of the President, withdrawn.

34. The Hon'ble Babu Surendra Nath Ray was to have moved that after clause 2 (*f*) (*ii*) the following be inserted, viz :—

"(*iii*) In the case of any premises which have been let to a new tenant after the first day of April, 1919, and before the passing of the Act, the rent at which the said premises were first let to that new tenant, and if such premises have been let more than once to new tenants between the aforesaid dates the rent at which the said premises have been last let".

He said :—

"This amendment is practically the same as that which has now been moved by my hon'ble friend Rai Radha Charan Pal Bahadur, and as it appears that it will meet with the same fate, I beg leave to withdraw it."

The motion was then, by leave of the President, withdrawn.

35. The Hon'ble Rai Radha Charan Pal Bahadur was to have moved that at the end of clause 2 (*f*) (*iv*) the following be added, viz :—

"Provided that the standard rent under this Act shall not be considered to be the basis of any valuation in any Land Acquisition proceeding".

The President said :—

"Amendment No. 35 cannot be moved in respect of clause 2 which deals entirely with definitions, and by amendment No. 35 the Hon'ble Member proposes to introduce an entirely different matter in the clause. It should be moved in the form of a new clause at a later stage of the Bill, and if the Hon'ble Member will look to amendment No. 165 he will find that that is the appropriate place in which to move the proposed amendment."

36. The Hon'ble Rai Radha Charan Pal Bahadur moved that the following be added at the end of clause 2 (*f*) (*iv*), viz :—

"Provided always that at no time shall the rent fall short of seven per cent. income on the estimated fair value of the premises which in the case of dispute between the landlord and the tenant shall be determined by the Controller".

He said :—

"My Lord, this is a proposition which almost follows the same line of a certain amendment of my friend the Hon'ble Mr. P. C. Mitter. There is much dispute about the date of fixing the standard rent, about the standard rent being excessive to the tenant and about the standard rent being lower than what the fair rent should be, and all these arguments have been brought forward from different points of view. This proposition is laid before the house with a view to do away with these difficulties and to harmonise all conflicting views. It is well known that a reasonable income is always expected from certain investments, and I think it will be admitted on all

hands that if a 7 per cent. return is allowed on the fair value of the property, it will not be excessive either from the tenant's point of view or from the landlord's point of view. It is also well known that in other businesses people have been making profits from 15 to 30 per cent. and in some cases even 300 per cent. Therefore I think this is a very modest proposal. I do not know what the Hon'ble Mr. Phelps thinks of it, but I hope it will meet with the acceptance of this House. My Lord, Government securities which were formerly 3½ per cent. now yield a return of 6 per cent., and other securities also yield an income above 6 per cent., not to speak of shares and other things. Therefore I think the proposal that I am making may be deemed perfectly fair and reasonable."

The Hon'ble Mr. O'Malley said:—

"My Lord, the amendment applies to cases where the Controller has power to fix standard rent and it provides for a minimum of 7 per cent. of the estimated fair value of the premises in all those cases. The amendment is open to criticism on the ground that the unit of the Bill is not a complete holding or building, but premises, and premises include single rooms in a house. I suggest that the valuation of single rooms in a house or a hut would be a matter of practical difficulty. It would also not be properly applicable to rooms in a hotel, boarding-house or lodging-house. Here the cost of food, furniture and servants has to be taken into account. The amendment, however, makes the value of the premises the sole criterion.

The amendment is open to still greater objection on more general and important grounds. It introduces a principle which is not contemplated by the Bill, which takes the actual rent as the basis on which ordinarily to fix the standard rent. It would lead to complications as it involves calculations as to what is a fair value, which would add very largely to the burden thrown on the Controller. What would be the basis of calculating fair value? Would it be the selling price of the property in the neighbourhood? Owing however to the land boom, inflated prices—often wildly speculative prices—have been paid, which would not be a reliable guide or a reasonable basis of valuation. Or is property to be valued not according to its present use or rental, but according to what it would fetch if used in a different way, for instance, as shops,—in other words, according to its potential value? Or again is the reinstatement principle to be followed, *i.e.*, is the value of the property to be taken as the cost of purchasing an equally convenient site and equally convenient premises? Here again, owing to the present shortage and high price of building materials as well as the abnormal conditions due to profiteering, the valuation would often be excessive. Seven per cent. is taken as a minimum in all cases, and if this was based on inflated prices, the enhancement would often be beyond the means of the tenants. This legislation has had to be undertaken because rents were being forced up to a pitch beyond the capacity of tenants, and this amendment is likely to reproduce the state of affairs the Bill seeks to remedy.

A further objection to the amendment is that except in certain cases covered by the first proviso to section 15 (*2*) it is not intended that the Controller should have his time taken up with intricate valuation work. His work and responsibility will be heavy enough as it is. To take alone the fixing of fair rents under the first proviso to section 15 (*2*) in cases where *salami* has been paid and an application has been made to the Controller because the landlord thinks the existing rent is low, it means the settlement of rents by the Controller for a large proportion of the shops in Calcutta. This is a formidable task for any man. It was the intention when this Bill was framed that the Controller should have power to vary the rent only in special cases, where there were special reasons for departing from the

taudard rent, and not that he should be a general court of appeal in case of lisputes about values. I would most strongly deprecate adding to his duties ›y putting him in the position of a Land Acquisition Officer with numerous lifficult questions of market value to decide for all classes of premises; and cannot therefore accept the amendment on behalf of Government."

'he Hon'ble Rai Radha Charan Pal Bahadur said:—

"As far as I have been able to follow the Hon'ble Mr. O'Malley, his ›bjection is that there will be difficulty in valuing these premises as there vill also be single rooms in premises. To that my reply is this: if the vhole premises can be valued there will not be much difficulty in working ut the proportionate valuation of the different parts of the house. Then as egards the rooms in a hotel or a lodging-house, the matter was discussed n Select Committee where, it will be remembered, it was stated that the cost f food and lodging would be taken into consideration, and I think the aluation of a hotel can be made without any difficulty. Add 7 per cent. r whatever percentage the Controller may fix as a reasonable return and hen the whole cost will be proportionately divided between all the tenants here. Then it is stated that it will involve a lot of calculation, but, my ord, thousands of houses are disposed of in two or three months' time by the, Corporation and I do not think there will be any difficulty in assessing the fair alue. It is further stated what will be the value—the present selling value f a property in the neighbourhood. Well, I have purposely inserted the words lair value'. I do not say the land boom or anything of the kind, but what s generally adopted by the officers of the Corporation, especially by the Vice-Chairman or the Deputy Chairman in deciding assessment cases. Then it s stated that it will throw heavy work on the Controller. It may be true hat to a certain extent it will throw some work upon him, but it is likely hat he will have some assistants as well. The much vexed question of rent s now agitating both landlord and tenant, and I think the Controller ought to do the work very satisfactorily. This is a perfectly fair roposal and I fail to understand why this should be opposed. My Hon'ble riend Mr. P. C. Mitter and myself have said not only here but also in the Select Committee—let a fair and reasonable adjustment be made between andlords and tenants. But unfortunately this Bill is rushed with such precipitate haste that no opportunity has been given for the consideration f our proposal. I earnestly hope that our proposal would be taken into onsideration, because it will satisfactorily settle all differences. I do not hink any tenant will object to paying a reasonable percentage. I heard a ertain speaker at the Town Hall meeting say that the tenants would not ven grudge to pay 9 per cent. on the fair value of the property. He was spokesman of the tenants, and I think I can fairly assume that if such a roposition is accepted, it will please all parties. It may be that certain onsequential amendments would be necessary to clause 15 in order to enable he Controller to decide such cases. If the Hon'ble Member in charge of he Bill consider it a fair proposition and be pleased to accept it, I think the ther necessary amendments can be made without any difficulty before the ıct is passed."

The motion was then put and lost.

he President said:—

"I think amendment No. 37 is consequential upon amendment No. 9 nd if that is so, the amendment should be withdrawn."

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he Hon'ble Rai Radha Charan Pal Bahadur said :—

"As far as I have been able to follow the Hon'ble Mr. O'Malley, his bjection is that there will be difficulty in valuing these premises as there vill also be single rooms in premises. To that my reply is this: if the vhole premises can be valued there will not be much difficulty in working ut the proportionate valuation of the different parts of the house. Then as egards the rooms in a hotel or a lodging-house, the matter was discussed a Select Committee where, it will be remembered, it was stated that the cost f food and lodging would be taken into consideration, and I think the aluation of a hotel can be made without any difficulty. Add 7 per cent. r whatever percentage the Controller may fix as a reasonable return and hen the whole cost will be proportionately divided between all the tenants here. Then it is stated that it will involve a lot of calculation, but, my ord, thousands of houses are disposed of in two or three months' time by the, Corporation and I do not think there will be any difficulty in assessing the fair alue. It is further stated what will be the value—the present selling value f a property in the neighbourhood. Well, I have purposely inserted the words fair value'. I do not say the land boom or anything of the kind, but what s generally adopted by the officers of the Corporation, especially by the Vice-Chairman or the Deputy Chairman in deciding assessment cases. Then it s stated that it will throw heavy work on the Controller. It may be true hat to a certain extent it will throw some work upon him, but it is likely hat he will have some assistants as well. The much vexed question of rent s now agitating both landlord and tenant, and I think the Controller ought to do the work very satisfactorily. This is a perfectly fair roposal and I fail to understand why this should be opposed. My Hon'ble riend Mr. P. C. Mitter and myself have said not only here but also in the Select Committee—let a fair and reasonable adjustment be made between andlords and tenants. But unfortunately this Bill is rushed with such precipitate haste that no opportunity has been given for the consideration f our proposal. I earnestly hope that our proposal would be taken into onsideration, because it will satisfactorily settle all differences. I do not hink any tenant will object to paying a reasonable percentage. I heard a ertain speaker at the Town Hall meeting say that the tenants would not ven grudge to pay 9 per cent. on the fair value of the property. He was spokesman of the tenants, and I think I can fairly assume that if such a roposition is accepted, it will please all parties. It may be that certain onsequential amendments would be necessary to clause 15 in order to enable he Controller to decide such cases. If the Hon'ble Member in charge of he Bill consider it a fair proposition and be pleased to accept it, I think the ther necessary amendments can be made without any difficulty before the ct is passed."

The motion was then put and lost.

he President said :—

"I think amendment No. 37 is consequential upon amendment No. 9 nd if that is so, the amendment should be withdrawn."

Babu Kishori Mohan Chaudhuri; Mr. O'Malley; Rai Radha Charan Pal Bahadur.

The following amendment was then deemed to have been withdrawn :—

37. If motion No. 9 be carried, the Hon'ble Mr. P. C. Mitter to move that at the end of clause 2 (*g*) the following be added, viz:—

"Provided nevertheless the expression shall not include a person who has taken a lease of any premises for purposes of subletting or where such person has sublet for a period of 7 years or more".

38. The Hon'ble Babu Kishori Mohan Chaudhuri moved that after clause 2 (*g*) the following be added, viz :—

"(*h*) 'sum' means primarily money but also includes a consideration representing money value."

He said :—

"My Lord, the object of the amendment which I propose to move is to harmonise the provisions of sections 9 and 19. In section 19(*2*) it is laid down that a person shall be deemed to receive a sum in excess of the standard rent, if he receives any consideration representing a money value in excess of such standard rent. In section 9 practically the same thing has been said but there is no such provision, and one may avoid the consequence of taking something in kind instead of money. I think if the definition be added that will obviate the difficulty, and in that view and only for the sake of harmony I propose that the definition be added."

The Hon'ble Mr. O'Malley said :—

"My Lord, we are advised by the Legislative Department that this amendment is unnecessary. The Hon'ble Member has referred to clause 19(*2*), and if we are to insert this definition it would merely be a repetition. The statement as to consideration representing a money value comes in its proper place in clause 19. Though I fully sympathise with the Hon'ble Member in his desire to improve the drafting of the Bill, I am afraid that in this case it will not be at all a real improvement. For this reason I am unable to accept the amendment on behalf of Government."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I have two amendments standing in my name—Nos. 38 and 144. In the latter amendment I have suggested that sub-clause (*2*) to clause 19 might be omitted, as instead of saying anything there if there were a definition in clause 2, there would be no anomaly, and in the absence of any such definition there, one may avoid clause 9 by taking money in any other shape. It might be anomalous if in one case there is no safeguard and in another there is only by way of an explanation."

The motion was then put and lost.

39. The Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of clause 2 (*g*) the words "with the written consent of the landlord" be added.

He said :—

"My Lord, I want to move for the addition of these words for this reason : an existing tenant may take some money and go away putting an undesirable and troublesome tenant in possession under the Act, though the landlord will be prevented for three years from letting out his premises to a

the bargain, but the landlord will not be able to do anything. Therefore I want this amendment. It is a custom which is generally prevalent throughout Calcutta."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, I am sorry I cannot accept this, because there are a large number of tenants at will. There cannot be in every case the written consent of the landlord, and there is no reason why these tenants should not be protected."

The motion was then put and lost.

40. Motion No. 39 not being carried, the Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of clause 2 (*a*) the following be added, viz:—

> "but it does not include a tresspasser or a person who in collusion with an out-going tenant or otherwise occupies any premises without the landlord's written consent."

He said:—

"It is practically the same amendment. I fail to understand why some such provision should not be accepted. The landlord will not be able to let out his premises, but the tenant if he so wishes can go away within 3 years putting in a stranger. The landlord has no guarantee as to whether he is not an undesirble or troublesome tenant. Therefore I think the landlord should have the privilege of choosing his own tenant. The standard rent will be the same, and there will be no harm."

The Hon'ble Maharajadhiraja Bahadur of Burdwan:—

"My Lord, I am sorry I cannot accept this, because I think the Rai Bahadur has got in his mind the ordinary kōrfadar. As regards them, the position is very clear. Unless the landlord has accepted any rent from him, a kōrfadar cannot possibly become a tenant. Very often the landlord knows whether the tenant he has accepted is a kōrfadar or a Sha Bhāradār or not. I do not think that the additional words are necessary here. It is the same old question. There cannot be written consent in every case, therefore I oppose the amendment."

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, I only desire to draw the attention of the Government to the definition of the word 'tenant'. Tenant means 'any person by whom or on whose account rent is payable for any premises', and from that point of view it may be thought that so long as anyone pays rent on behalf of the original tenant, that person will be considered the tenant. I hope Government will consider that point. I do not know how to advise on the point because there are so many difficulties about it."

The motion was then put and lost.

42. The Hon'ble Raja Hrishikesh Laha moved that for the words "or a retired officer of the Government having similar qualifications" in lines 4, 5 and 6 of clause 3 (*1*) (*a*), the following be substituted, viz:—

> "having experience of rent values and land acquisition cases in Calcutta".

Maharajadhiraja Bahadur of Burdwan; Raja Hrishikesh Laha; Rai Debender Chunder Ghose Bahadur.

He said :—

"My Lord, it is too much to expect from an officer who has retired from Government service on account of age, such onerous and active work as the Rent Controller will have to perform. It will not therefore be desirable to appoint such pensioners, although some of them may have some experience of rent values and land acquisition cases in Calcutta. It cannot be disputed that most of the Judicial and Executive officers have little or no experience of rent values and land acquisition cases in Calcutta, as most of them are employed in mufassal stations, and it is absolutely necessary that they should have such experience in order to discharge the duties of the Controller properly, and command the confidence of the public. I therefore move this amendment."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, in the Select Committee when we defined 'Controller' we also went into this question very thoroughly as to whether or not we should put in a retired officer of Government, and I believe it was the unanimous decision of the Committee that it should be put in. As regards putting in the qualifications of such an officer, as suggested by the Hon'ble Raja, applying to Members of the Judicial or Executive, Imperial or Provincial service, I think he must realise that Government is not likely to appoint a Controller who has not got experience of land values and land acquisition cases in Calcutta. But he must leave it to the common sense of the Government to appoint a man with a certain amount of such experience. Therefore these words are not necessary, and I oppose the proposal to delete the words 'or a retired officer of the Government having similar qualifications'. For these reasons I oppose the amendment."

The Hon'ble Raja Hrishikesh Laha said :—

"My Lord, after what has been said by the Hon'ble the Maharajadhiraja Bahadur, I can only say that if a proper person such as Mr. Peterson or Mr. Woodhead is appointed, I shall have no objection, but there are retired officers who have some experience of land acquisition work and rent values in Calcutta, who may be very popular with Government but not very popular with the public, and we do not want such officers to be appointed. That is the reason why I wish to omit the words. If Government appoint any able officer who can perform the duties satisfactorily, I shall have no objection."

The motion was then put and lost.

43. The Hon'ble Rai Debender Chunder Ghose Bahadur moved that for the words "a barrister" in line 1 of clause 3 (*2*) (*b*), the word "an" be substituted.

He said :—

"My Lord, my amendment cannot be said to be one of practical importance, but it refers to the drafting of clause 3(*b*) and from the artistic point of view, something can be said on this point. The Council is aware that the High Court knows only of three classes of law practitioners—the advocate, the vakil and the attorney, often called the solicitor. The advocate in the Calcutta High Court is always a barrister; vakils are entitled to get themselves enrolled as advocates, but from the year 1862 when the High Court was first established up to the present time, vakils have declined to get themselves enrolled unless under certain conditions which the High Court could not allow. Therefore the expressions 'barister' and 'advocate' cover the same

ort of person, because an advocate of the Calcutta High Court is always a barrister. Some time of course he may be a member of the Faculty of Advocates in Scotland. Therefore I think the words 'a barrister' might well be omitted."

he Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"I understand that the Hon'ble Rai Bahadur does not want to debar a barrister."

he Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"Of course not."

he Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"We have been advised that although the word 'advocate' includes a barrister, it is safer to put the word 'barrister' as well. Therefore I oppose he motion."

he Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"A barrister as such is not entitled to practise in the High Court unless e gets himself enrolled as an advocate. Therefore a barrister is a person who may not have any practice at all. The result will be that if you allow his word 'barrister' to remain, you might appoint a person who has failed o get his admittance to the High Court as an advocate and therefore had no pportunity of acquiring experience in land acquisition cases or any cases. think this would be an undesirable state of things."

he Hon'ble Mr. P. C. Mitter said :—

"I desire to say a word or two. This is only an enabling clause which ives a wide range of selection to the Government in the matter of the appointment of a Controller. I quite agree with the Hon'ble Rai Debender Chunder Ghose Bahadur that as a matter of practice, all barristers are advocates. At ny rate all barristers practising in the High Court are advocates. I believe his clause has been taken from the Calcutta Improvement Act. As a matter f fact, in ordinary practice, we appoint barristers direct from England, and ey are entitled to become High Court Judges. Supposing there is a retired arrister-judge of the High Court whom we want to appoint as a Controller, hy should this amendment stand in the way of such an appointment, and fter all, is it necessary to delete the word 'barrister'? If anything it errs n the side of safety."

The motion was then put and lost.

14. The Hon'ble Rai Debender Chunder Ghose Bahadur moved that fter the word "attorney" in line 1 of clause 3 (*2*) (*b*), the words "of the igh Court of Calcutta" be inserted.

He said :—

"My Lord, this amendment may not also be an amendment of practical nportance, but I move it for this reason : An attorney practising in the Allahabad or Punjab High Court is also entitled to be appointed as Controller nder the provisions of this clause, but not being a practitioner of the alcutta High Court he could not have gained experience of rent values or nd values in Calcutta."

he Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My lord, I am willing to accept this amendment."

The motion was then put and agreed to.

Babu Kishori Mohan Chaudhuri; Maharajadhiraja Bahadur of Burdwan; Rai Radha Charan Pal Bahadur; Mr. O'Malley.

45. The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the words "who has practised as such and has experience of rent values and land acquisition cases in Calcutta", in lines 2 to 5 of clause 3 (*2*) (*b*), the words "and practice" be substituted.

He said —

"My Lord, as in the case of clause 2(*a*) I want to leave the discussion entirely to the Government. Of course we may insist on practice, but only that will do, and we need not have the other words."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"Having accepted the amendment previous to this, and as the question of land values will relate mainly to Calcutta, I cannot very well accept this amendment; I therefore oppose it."

The motion was then put and lost.

46. The Hon'ble Rai Radha Charan Pal Bahadur moved that after the words "the standard rent" in line 4 of clause 4 (*1*) the words "and the tenant does not agree thereto by any written agreement" be inserted.

He said :—

"My Lord, the object of my amendment is to give freedom both to the tenant and landlord when they want to make an arrangement for the occupation of a house. It will be convenient for both to come to an arrangement, otherwise tenants who cannot afford to pay, might not be able to get leases."

The Hon'ble Mr. O'Malley said :—

"My Lord, the effect of this amendment would largely be to defeat the whole object of the Bill and render it naugatory. It would mean that any landlord could get any amount of enhanced rent, provided that by hook or by crook he could get a tenant to sign a written agreement. Conditions are such that tenants are no longer free agents able to withstand the exactions of those landlords who are extortionate and rapacious. Given a shortage of houses, landlords are able to enforce their own terms, and the object of the Bill is to prevent their making an unscrupulous use of their power. Tenants require protection and the Bill aims at making null and void unconscionable agreements executed under compulsion of abnormal conditions and of preventing a recurrence of such agreements. The amendment cuts at the root of the Bill which aims at substituting control for uncontrolled agreements, and Government therefore cannot consent to its acceptance."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I do not want to say anything more. I have already said all I have to say."

The motion was then put and lost.

The following motion, being consequential upon Motion No. 46, was then deemed to have been withdrawn :—

47. If motion No. 46 be carried, the Hon'ble Rai Radha Charan Pal Bahadur to move that the words 'notwithstanding any agreement to the contrary" in line 5, clause 4 (*1*) be omitted.

Maulvi A. K. Fazl-ul-Haq; Mr. P. C. Mitter; Rai Radha Charan Pal Bahadur; Maharajadhiraja Bahadur of Burdwan.

48. The Hon'ble Maulvi A. K. Fazl-ul-Haq moved that clause 4 (*1*) (*i*), (*ii*) and (*iii*) be omitted.

He said :—

"My Lord, I may say in order to shorten the discussion that I am not very particular about omitting (*i*) and (*ii*), but I propose that my suggestion as to the drafting of (*iii*) be accepted. My object is that in all cases in which there have been leases during the last three years, as has just been pointed out by the Hon'ble Mr. O'Malley, tenants have hardly been free agents in the bargain, and I do not think it is fair to the tenant to exclude these cases from the operation of the Act. There may be a lease for 5 years or more, but on enquiry it will be found that these leases have been entered into under conditions unfavourable to the tenant. And because the tenant under certain conditions has been obliged to enter into a written agreement, I do not think it is sufficient ground to keep him within the terms of the agreement under the provisions of this Act. I therefore submit that proviso (*iii*) should be omitted."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I do not quite follow my hon'ble friend. He seems to think that the tenant whose lease has already expired will come under the proviso to section 1. I do not think that will be so. The language of the clause is : "The rent payable under any lease entered into before the date of the commencement of this Act for a period of 5 years or afterwards which has not expired on that date." That being so, I do not understand the apprehension of my hon'ble friend."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I just wish to point out that this clause was discussed in Select Committee, and it was found that it was rather more advantageous to the tenants if they had got a long lease, say, for 5 years or over, to retain that lease."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, we do not want this Act to be in any sense a punitive measure, and therefore we thought that in cases of leases of 5 years and upwards that there was a certain amount of justification for the rents not being irrecoverable, and we thought that in the case in which a tenant entered into a lease with his eyes open more or less, for a period of 5 years or upwards, he should not get the advantage of clause 4. I am advised, my Lord, that this clause should be allowed to stand as it is, because I have got a subsequent amendment to move at a later stage, but I understand the Hon'ble Member does not object to (*i*) or (*ii*), but that he wants (*iii*) deleted."

The Hon'ble Maulvi Fazl-ul Haq said :—

"My Lord, I do not want to add anything to what I have already said."

The motion was then put and lost.

49. The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that after the word "lease" in line 1 of clause 4 (*1*) (*iii*) the words "or any agreement to lease" be inserted.

Rai Radha Charan Pal Bahadur ; Maharajadhiraja Bahadur of Burdwan ; The President ; Raja Hrishikesh Laha ; Mr. O'Malley.

He said :—

"My Lord, the reason for this insertion is that the lease itself represents that arrangement has been made or was made and the words 'agreement to lease' also carry the same idea. Therefore, I think, the clause would be incomplete unless the words 'agreement to lease' were inserted.

The Hon'ble Rai Radha Charan Pal Bahadur said :—

My Lord, I have got a similar motion, and I therefore support it. In this country agreement is generally regarded as lease or equivalent to lease. In our part of the city a simple letter or something of that sort is regarded as binding on a person."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I am willing to accept this amendment of the Hon'ble Rai Radha Charan Pal Bahadur."

The motion was then put and agreed to.

The President said :—

"The next amendment which stands in the name of the Hon'ble Raja Hrishikesh Laha is practically the same as the amendment which has just been accepted and the same remark applies to amendment No. 51 which stands in the name of the Hon'ble Rai Radha Charan Pal Bahadur."

The following motions were then deemed to have been withdrawn :—

50. The Hon'ble Raja Hrishikesh Laha to move that after the word "lease" in line 1 of clause 4 (*1*) (*iii*), the words "or any agreement to lease with possession" be inserted.

51. The Hon'ble Rai Radha Charan Pal Bahadur to move that after the word "lease" in line 1 of clause 4 (*1*) (*iii*) the words "or agreement for a lease" be inserted.

52. The Hon'ble Raja Hrishikesh Laha moved that for the words "five years" in line 3 of clause 4 (*1*) (*iii*) the words "three years" be substituted.

He said :—

"My Lord, leases in Calcutta are usually taken for three years, so I beg to move that for the words 'five years' in line 3 of clause 4(*1*)(*iii*) the words 'three years' be substituted."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have got a similar motion and I formally move it. I may say that, if the motion of Raja Hrishikesh Laha is accepted, it will not disturb the fundamental principle of the Bill in any way because the Act will be in force for three years. The lease will be for three years and even if within the currency of this Act the lease expires, the standard rent will be the rent that is in the lease and the tenant will not suffer in any way. I hope, therefore, that this amendment will be accepted."

The Hon'ble Mr. O'Malley said :—

"My Lord, the object of providing in this clause for leases for 5 years has already been explained by the Hon'ble Maharajadhiraja Bahadur. The

case of 3 years' leases is different. It has just been explained to us that it is a common period for leases, and there is reason to believe that many tenants have been forced into leases or agreements to lease for 3 years at exorbitant rentals in recent times, that is to say, since profiteering in houses set in. These persons who have been compelled to agree to extravagant rents require protection, and if the amendment were accepted they would be deprived of that protection. Government cannot, therefore, agree to remove from control leases entered into for the comparatively short period of 3 years and to deprive of protection those who agreed to them under the force of circumstances beyond their control. I am, therefore, on behalf of Government unable to accept the amendment.

The motion was then put and lost.

The following motion being covered by the decision on amendment No. 52 was then deemed to have been withdrawn :—

53. The Hon'ble Rai Radha Charan Pal Bahadur to move that for the words " five years " in line 3 of clause 4 (*1*) (*iii*) the words " three years " be substituted.

53A. The Hon'ble Maharajadhiraja Bahadur of Burdwan moved that the words " which has not expired on that date " in lines 4 and 5 of clause 4(*1*) (*iii*) be omitted.

He said :—

" My Lord, on further examination of this clause we have arrived at the conclusion that cases are not likely to arise after the commencement of this Act. Therefore I beg to move that the words ' which has not expired on that date ' in lines 4 and 5 of clause 4 (*1*) (*iii*) be omitted."

The motion was then put and agreed to.

54. The Hon'ble Mr. P. C. Mitter moved that the following be added at the end of clause 4 (*1*) (*iii*), viz. :—

" (*iv*) to the rent payable under any lease or agreement to lease for a period of 5 years or more, provided the terms embodied in such lease or agreement to lease are certified by the Controller to be just and fair ".

He said :—

" My Lord, there are two safeguards—first of all the safeguard about the certificate of the Controller that the rent is just and fair and the second safeguard is that the rent must be agreed to both by the landlord and the tenant. It very often happens that a tenant likes to have a longer lease than three years and from that point of view he is willing to enter into a five years' lease on certain terms and conditions which he deems to be fair. The Act, as it stands, does not provide for such a lease, and I move for this sub-clause as an additional proviso in the interest of the landlord as also of the tenant. Let freedom of contract be curtailed where the principle of the Act demands it, but where the principle of the Act does not demand it, freedom of contract ought to be respected specially when the agreement will be certified as just and fair by the Controller. In the muffasal in the case of ryots, the provisions of the law is that a compromise certified by a court or a Settlement Office is accepted, and I do not understand why the better educated city population should not have the same freedom."

Mr. Ashraf Ali Khan Chaudhuri; Mr. O'Malley; Rai Radha Charan Pal Bahadur.

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"I oppose this amendment on the ground that landlords might try to take out agreements from their tenants which will not be beneficial to the interests of the tenants themselves. I fail to understand why an amendment moved by Raja Hrishikesh Laha was accepted by Government while a similar one moved by me was rejected. The safeguard pointed out by Mr. Mitter is not of much value, as I think the Controller will have great difficulty in coming to a conclusion as to what should be a fair rent because both the landlords and tenants will bring forward experts—engineers, surveyors, valuers, etc.—in support of their contention, as to what should be the fair rent. I do not think it will be in the interest of the tenant to accept this amendment."

The Hon'ble Mr. O'Malley said :—

"My Lord, the hon'ble mover is anxious to add to the list of exceptions covered by clause 4 and to bring into that list cases of leases or agreements to leases for 5 years or more, provided that the Controller certifies the terms to be just and fair. The amendment has the same object as many other amendments, namely, to get rid of the simple and automatic working of standard rent under clause 2 (*f*), to set up another criterion, and to add to the duties and responsibilities of the Controller which are already sufficiently onerous. I have already explained that in framing the Bill it was the intention of Government to rely on standard rent in the generality of cases and to allow the Controller to come in and vary the standard rent only in exceptional cases. It is not the intention of Government that the Controller should be a kind of court to fix fair rents. This amendment would overwhelm the Controller with work and the settlement of numerous cases involving difficult questions of valuation, to which I have referred in replying to a previous amendment of Rai Radha Charan Pal Bahadur. I have already explained the difficulty of fixing a fair rent under the abnormal conditions which are now prevailing due to the land boom, artificially inflated prices and profiteering. It is true, and I have no doubt that the Hon'ble Mr. Mitter will remind me of it, that such questions are likely to arise when the Controller fixes rent under the first proviso of clause 15(2), but Government feel that the cases in which he should have to go into such matters should be limited and they are opposed to their expansion.

And I cannot help thinking that in practice these landlords who are unscrupulous and unprincipled and who have the tenant at their mercy might take advantage of the provision proposed in this amendment to refuse to give leases except for long periods at a highly enhanced rent and might force tenants to agree to unjust terms which the Controller might not be able to detect, owing to suppression or concealment of relevant facts. For these reasons I am unable to accept the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have followed the observations of Mr. Ashraf Ali and Mr. O'Malley and I fail to understand why the addition suggested by Mr. Mitter should be opposed. As far as I have followed Mr. Ashraf Ali, I understand that he is afraid that the tenant will be oppressed by the landlord and, as far as I have been able to follow Mr. O'Malley, he is generally of the same opinion. Further he says that it will burden the Controller with a large amount of work. With reference to that observation I would say first that the proposal is that the agreement should be made in the presence of the Controller, and if the tenant does not like the agreement, he may not come to the Controller and the agreement will not be made at all. Then again my friend forgets that a tenant would be very glad to get a tenure of 10 years,

Mr. P. C. Mitter; Babu Surendra Nath Ray.

lease whereas the Act only gives him a tenure of 3 years. I do not understand why should the legislature prevent him from taking advantage of the existing law. There is always a suspicion in the mind of Government and in the minds of some Hon'ble Members that rapacious and unscrupulous landlords will swallow up the innocent tenant (as if so innocent that he cannot say 'yes or 'no'). My Lord, I am sorry that this should be the frame of mind of Government in a matter of this kind. If a tenant likes to make an agreement with a house-owner in the presence of the Controller and if the Controller is satisfied that the terms are perfectly fair and just, he may grant the terms. You say the Controller will be over-burdened with work, but then why put both the landlords and tenants in his hands; they do not ask for it."

The Hon'ble Mr. P. C. Mitter said :—

"Opposition to a motion like this makes one dispair of the ultimate solution of the housing problem. My friend Mr. Ashraf Ali has opposed it with the best of motives, but perhaps he does not know the state of things in Calcutta as I do, because I have lived here much longer and I know the city much better than he does. In the course of last year or so hundreds of houses have changed hands in favour of undesirable landlords. These new landlords have acquired those houses from *bonâ fide* landlords, who were not rapacious landlords, but who were anxious to promote good-will between themselves and their tenants. These houses have passed into the hands of speculators. At present in spite of the Rent Act longleases are in contemplation, transfers are taking place and on enquiry from my Bombay friends I learn that in Bombay prices of houses have gone up very considerably. Therefore I say in whatever way you may frame your Rent Act, the dishonest landlord will not care for it. Mr. O'Malley who is so anxious about protecting the tenant, the tenant, who even in the presence of the Controller will not be able to protect himself, will perhaps answer me when I ask him the following question—Suppose a landlord and a tenant enter into a contract to pay Rs. 20,000, as bonus after the expiry of the Act, how is this Act going to prevent it? Suppose a tenant agrees to pay in Rs. 5,000, as deposit without interest, how is this Act going to prevent that? So long as we have got more tenants than houses any amount of legislation will be unavailing. Then, what should be our object? Our object should be to secure non-rapacious landlords, not to increase the number of dishonest landlords but to keep as many honest landlords as possible If we do not allow things to be done in this way we force dishonest landlords to do things in an underhand way. No doubt honest landlords will not stoop to underhand means, and the result will be that at the end of 2 or 3 years we will require another Act because we will then find that few houses have been built and the situation made worse. However I have done my duty and pressed my point here, and it is a pity if those who are anxious to safeguard the interest of the tenant throw away every suggestion, however well intentioned it may be, without investigating facts. I hope that in this instance those who, either from shortness of time or due to the insistence in the public press for some measure of this kind, have not been able to pay sufficient attention to this measure, should consider this point carefully (not merely with suspicion) with a view to safeguarding the object of the Act and to protect honest landlords and honest tenants."

The Hon'ble Babu Surendra Nath Ray said :—

"The next amendment which stands in my name is practically the same as the present one, so I shall say only a few words with reference to this amendment. My amendment simply means upholding the freedom of contract. I think it will be admitted that this Bill has been introduced in the interest of the tenant class, but I am very much doubtful if it will serve that purpose

if such a clause as that suggested by me is not inserted. I will cite one or two instances showing how it will prejudice the interest of the tenants. Your Lordship is probably aware that mufassal people come to Calcutta either for treatment or to marry their daughters or for any other special reason only to stay here for 2 or 3 months. According to the present Bill, a landlord will not be able to charge anything more than the standard rent, but a man who comes for treatment for 2 or 3 months is prepared to pay a larger amount than an ordinary tenant. What will be the fate of this would-be tenant if the landlord does not let out the house to him? He will probably have to go back to his home and there either die or undergo such treatment as may be possible there."

The Hon'ble Rai Radha Charan Pal Bahadur said:—

"Is the Hon'ble Member speaking on the motion which stands in the name of the Hon'ble Mr. Mitter?"

The President said:—

"The amendment standing in the name of the Hon'ble Babu Surendra Nath Ray is approximately the same as the one now before the Council. We cannot have two discussions on the same subject and therefore the Hon'ble Member should make his speech now."

The Hon'ble Babu Surendra Nath Ray continuing said:—

"It is well known that in Calcutta during the cold weather houses are let out at a higher rent than in the months of July and August or in the months of May and June. According to the present Bill, a man who comes to stay in Calcutta for three years will pay the same rent as a man who will stay for a couple of months or so, but is it fair? Therefore I suggest that in order to remove this inequality of treatment the landlords and the tenants may be allowed to enter into some sort of agreement which is fair to both parties. And if the Controller is also satisfied that the terms of the agreement are fair and just I do not see any reason why such an agreement should not be allowed."

The motion being put a division was taken with the following result :—

Ayes—18.

The Hon'ble Babu Sarat Chandra Chakrabutty.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " Sir Nilratan Sarkar, KT.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Ashraf Ali Khan Chaudhuri.
" " Mr. Arnn Chandra Singha.
" " " P. C. Mitter, C.I.E.
" " " W. H. H. Arden-Wood, C.I.E.
" " Sir Deba Prasad Sarbadhikari, KT., K.C.I.E.
" " Babu Sib Narayan Mukharji.
" " Mr. W. H. Phelps.
" " " R. M. Watson-Smyth.
" " Babu Akhil Chandra Datta.
" " " Kishori Mohan Chaudhuri.

Noes—16.

The Hon'ble Sir Henry Wheeler, K.C.I.E. C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Aminul-Islam.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " " Gurner.
" " " L. S. S. O'Malley, C.I.E.
" " " M. C. McAlpin.
" " " A. Marr.
" " " F. A. A. Cowley, C.I.E.
" " " G. N. Roy.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Babu Mahendra Nath Ray C.I.E.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " " A. K. Fazl-ul-Haq.
" " Mr. Aminur Rahman.
" " " Hindley.
" " The Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. G. A. Bayley.
" " " W. L. Travers.
" " " Cathcart.
" " " Pickford.
" " Khan Sahib Aman Ali.
" " Rai Mahendra Chandra Mitra Bahadur.

The Ayes being 18 and the Noes 16, the motion was carried.

The President said :—

"It is no longer necessary to put amendment No. 55 before the Council. It is covered by the decision on the previous amendment."

The following motion was then deemed to have been withdrawn :—

55. The Hon'ble Babu Surendra Nath Ray to move that after clause 4 (*1*) (*iii*) the following be inserted, viz :—

"provided also that a landlord and a tenant may enter into a lease on any terms as to rent when both the landlord and the tenant make a declaration before a Controller that special reasons exist for the contract or where the Controller considers that the terms are fair and just".

56. The Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of clause 4 (*1*) (*iii*) the following be added, viz :—

"(*iv*) to the rent payable under any lease for more than three years entered into after the commencement of this Act;

(*v*) to the rent payable by a tenant for a specific period less than a year;

(*vi*) to the rent payable by a person paying an annual income tax of Rs. 500 and upward;

(*vii*) to any rent agreed to be paid by a new tenant after the previous tenant had voluntarily vacated".

He said :—

"My Lord, I would only move (*v*) and omit the rest, that is to say, I would move that at the end of clause 4(*1*) (*iii*) the words 'to the rent payable by a tenant for a specific period less than a year' be added.

I will simply explain what my object is in moving this amendment. My Lord, after this Act is passed, the standard rent will apply to the tenant who will occupy the house at least for the term of this Act, viz., three years.

Rai Debender Chunder Ghose Bahadur; Babu Akhil Chandra Datta; Mr. Phelps; Mr. Ashraf Ali Khan Chaudhuri.

Now my Lord, there are cases where a house falls vacant someone comes for the purpose of wedding or for the purpose of treatment or during the cold weather season to stay for two or three months only. I think, it will be admitted, that he ought not to get the same treatment as regards rent as a tenant who will take the house for three years, because the landlord will have to incur a lot of expenditure in repairs, white-washing, etc., when it is vacated after three months by the tenant. I, therefore, sumbit that such temporary tenants should be allowed to make their own arrangements with the landlords. It has nothing to do with squeezing the tenant, and I think Government will see the reasonableness of my proposal and accept it."

The Hon'ble Rai Debender Chunder Ghose Bahadur said:—

"My Lord, I have great pleasure in supporting the amendment of my hon'ble friend. Those who own houses in Calcutta will understand that it is very undesirable to let out a house for two or three months and if you take the standard rent only, the landlord will be put to very great expense and loss. There is also the risk of the house lying vacant, and in this connection I would refer to a specific matter. His Royal Highness the Prince of Wales will be coming to Calcutta in the next cold season, and on that occasion many persons will visit Calcutta to meet His Highness. Assuming that some of them are Rulers of States, Government has got only one guest-house at Alipore for them, and it will have to hire other houses for them. If the framers of the Bill think that owners will let out their houses on standard rent for a short period only, the result will be that landlords will refuse to let out their houses unless they are taken for at least three or five years, and the visitors will be put to inconvenience and the responsibility will lie with the Government. Is it pretended that these Ruling Chiefs will be distressed tenants who could not pay? Rents for a limited period have always been higher than normal."

The Hon'ble Babu Akhil Chandra Datta said:—

"This is a provision which is intended to be used against mufussal people and cause them inconvenience. Although a mufassalite, still I see much force in the argument advanced by the hon'ble mover, and though I do not agree with all his arguments, and although I do not live within the precincts of the Maharatta ditch, I beg to support this amendment, and will vote for it."

The Hon'ble Mr. Phelps said:—

"I am going to give myself the luxury of voting with the Rai Bahadur, and for these reasons. I understand that he is now moving (*v*) and omitting (*iv*) (*vi*) and (*vii*), and I have much pleasure in supporting him. I happen to know some of the difficulties that beset landlords in Calcutta in this particular respect, inasmuch as sometimes a person will come and engage a house for a short period, for instance, during some festivities or for a wedding or something of that sort, and the party is perfectly willing to pay double because he wants some extra decorations, or perhaps his habits are entirely different to the habits of the usual occupants of the flat or house, and they introduce other undesirable features, and when the tenants vacate, the landlord is put to considerable expense again to bring it back to a normal state. Therefore I have much pleasure in supporting the Rai Bahadur."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said:—

"My Lord, I oppose this amendment with all the emphasis I can command. I do not think my Hon'ble friend has understood the situation. This amendment is designed to cut the whole ground from under the Bill. If this is accepted the whole effect of the Rent Bill will be null and void. My Lord, we have heard much about unscrupulous landlords trying to

extract some agreement from the tenant. If this amendment is accepted, no landlord would give a lease of any house for more than a year or for more than 6 months, and he will renew the lease every six months after that. How are you going to check that? If a tenant comes and wants to enter into a lease for 3 years, the landlord will certainly refuse to give him a lease for more than six months. He will say that he wants the house for his own residence, or for a wedding in his family after six months or so, and after six months he will say that the marriage has been postponed or put forward other excuses. You cannot check all this if we accept this amendment. We are really trying to stop profiteering. We do not want large hotels like the Grand Hotel or the Great Eastern Hotel to fix their tariff at Rs. 60 a day. Perhaps in future I myself when I come to Calcutta may have to live in a hotel, and the Government of Bengal will not give me more than Rs. 10 a day. The idea is that we must stop profiteering wherever found in this respect. Therefore I oppose this amendment."

The Hon'ble the Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, I hope that I will not be misunderstood if I say that an amendment like this is wholly unjustifiable. On behalf of Government I must oppose it very strongly. In the first place, it will not only give a loophole to landlords, not to lease out their houses for long periods, and thereby make a profit in the cold weather rents, but it will also, in that very sense, make the housing problem in Calcutta all the more acute. The hon'ble mover here appears like an innocent lamb; he knows nothing. He is very anxious to provide for the poor patient, and also at the same time for a man who wants to come to Calcutta to have a good time and a spree, but he wants that they should be made to pay more than the ordinary fellow, but I think it must be borne in mind that if we were to introduce a clause of this kind here, we would be defeating the very object of the Bill. I am afraid Mr. Phelps has not been able to grasp the situation, because we would be encouraging the landlords—under this clause the tenant will not be able to recover any excess—not to let out their houses for a long period. I do not think that that is very desirable. I am perfectly certain that if this amendment which looks very innocent now were accepted next cold weather in connection with the Prince of Wales' visit a great deal of profiteering will go on. I am very sorry Mr. Phelps has not considered this point of view. On behalf of Government I must strongly oppose this amendment."

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, I am afraid I have not yet made up my mind as to which side to vote. In the first place, the Act has been so framed that if in the next cold weather a man in actual occupation sublets his flat at Rs. 2,000 a month the Act cannot touch him, so that profiteering which it is the intention of the Act to stop will not stop. I have pointed in the Select Committee and I think it my duty to point it out in Council that profiteering cannot be stopped in this way, and that for a very short and simple reason. If there is more demand than supply you cannot stop profiteering; so that it is a question of choice between the owner of the property and the man in actual occupation as to who should take advantage and profiteer. If I am a tenant in occupation I can go and live in a room elsewhere and sublet my flat for Rs. 1,500 which I took from the original landlord at Rs. 250 a month. This is an aspect of the question which I have got to consider before I make up my mind as to which side to vote. There is another aspect of the question to be considered also. For *bonâ fide* purposes it is necessary for many mufassal people to come to Calcutta for a short time; if the landlord gets the same rent for a six months' lease or a three months' lease as he will get, say, for a three years' lease it is absolutely clear that he will not let it out on a three or a six months' lease, so it will be difficult for

mufassal men to come here and get houses for a short time. How will they solve the problem? They will go and bribe the man in occupation. I am afraid the argument of the Hon'ble Maharajadhiraja Bahadur of Burdwan is not quite sound. If we get this class of tenant, the landlords will be able to get rid of the good effects of the Act so far as its good effects go, but my own view is that the good effects of this Act will be very little. If it were possible for us to give at least one month for the consideration of this problem instead of following the example of Bombay and Rangoon, we might have obtained a better Act. Whether this amendment is accepted or not, unscrupulous landlords will drive their coach-and-four through the Act."

The Hon'ble Mr. O'Malley said:—

"My Lord, I would just like to point out one particular point which has not been referred to by previous speakers. I understand there is considerable danger that if this amendment is accepted, it will be practically impossible to work the section referring to hostels, boarding-houses and lodging-houses in which the majority of the residents are not tenants for the whole year. This is a point that I wish to draw to the attention of the Council."

The Hon'ble Rai Radha Charan Pal Bahadur said:—

"My Lord, with reference to the observations that have fallen from the Hon'ble Member-in-charge of the Bill and from Mr. O'Malley I want to say one thing, and that is that in order to secure the *bonâ fide* of a transaction, I would ask Your Excellency's permission to add the words 'with the consent of the Controller', as I have been advised on this side of the House, but I cannot do so without the permission of your Excellency. It is known very well that whatever comes from this side of the house is looked upon with suspicion, but one thing I am sure of, and that is that in the coming cold weather although the landlords will not make any profit, the tenant will manage to let out his house at a considerable profit. No Controller will be able to check it. Therefore I want to put in these additional words. It will be a check on the landlords and a check on the tenants. Then as regards hotels and such other places I think the Controller will be able, in the next cold weather season, to fix the tariff which he considers reasonable. There will be no difficulty on that score. Therefore I earnestly beg Government to consider whether they will not accept this amendment and let the landlords recover something towards repairs and vacancy. There is no provision about that in the Act, and therefore I pray that short-time tenants should not be allowed the benefits of this Act."

The President said:—

"Before putting this amendment to the Council, I have to point out that Government as at present advised are of opinion that if this amendment is carried it will undermine the whole principle of the Rent Bill, and assuming that, and in the event of this amendment being carried, Government will have to adjourn and reconsider their position with regard to the provisions of the Bill."

The Hon'ble Rai Radha Charan Pal Bahadur said:—

"My Lord, have I your permission to add those few words to my original amendment?"

The President said:—

"I cannot undertake to consider a large amendment of this kind on the spur of the moment. The Hon'ble Member ought to have thought of that before he handed in his amendment."

The motion was then put and a division was taken with the following result :—

Ayes—9.

The Hon'ble Babu Sarat Chandra Chakrabutty.
" " Babu Brajendra Kishor Ray Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " Sir Nilratan Sarkar, Kt.
" " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" " Babu Akhil Chandra Datta.
" " Mr. P. C. Mitter, C.I.E.

Noes—22.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amin-ul-Islam.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Gurner.
" " Babu Kishori Mohan Chaudhuri.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. W. H. Phelps.
" " Mr. R. M. Watson-Smyth.
" " Mr. Ashraf Ali Khan Chaudhuri.
" " Mr. Arun Chandra Singha.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Mr. Aminur Rahman.
" " Mr. Hindley.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Babu Shiv Narayan Mukharji.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Cathcart.
" " Mr. Pickford.
" " Raja Hrishikesh Laha, C.I.E.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Kumar Shib Sekhareswar Ray.
" " Khan Sahib Aman Ali.

The Ayes being 9 and the Noes 22, the motion was lost

Rai Radha Charan Pal Bahadur; Maharajadhiraja Bahadur of Burdwan.

Clause 5.

57. The Hon'ble Maulvi A. K. Fazl-ul-Haq was to have moved that for the figures "1919" in line 2 of clause 5, the figures "1916" be substituted.

The Hon'ble Member being absent, the motion was deemed to have been withdrawn.

58. The Hon'ble Rai Radha Charan Pal Bahadur moved that the words "decorations or" in line 5 of clause 5 be omitted.

He said :—

"My Lord, my object in moving this amendment is this: In this clause the amount spent on decorations is excluded from the cost of building and rebuilding and therefore I think the words 'decorations or' should be omitted because decorations in those days cost a good deal of money and they should be calculated in determining the cost."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, the amendment seems simple enough, but there are different kinds of decorations, and considering the way that I feel that these innocent lambs of tenants are going to fare at the hands of honest landlords like the Rai Bahadur, I am not prepared to accept the amendment."

The motion was then put and lost.

59. The Hon'ble Rai Radha Charan Pal Bahadur moved that for the words "he may apply to the Controller to alter the standard rent", in lines 5 and 6 of clause 5 the following be substituted, viz :—

> "he may charge such increase of rent as may be agreed upon between himself and the tenant, or in the case of dispute or difference such increase of rent as the Controller may determine".

He said :—

"My Lord, the clause 5 runs thus—'where the landlord has, since the 1st day of April, 1919, incurred, or during the continuance of this Act, incurs expenditure on the improvement or structural alteration of any premises (not including expenditure on decorations or necessary repairs), he may apply to the Controller to alter the standard rent.' I may point out that in the English and in the Bombay Act it is not necessary to apply to the Controller to alter the standard rent. The standard rent is settled between the landlord and tenant on the basis that it should not exceed more than 10 per cent. If this amendment is accepted, it will not burden the Controller, on the contrary it will save him a lot of unnecessary work which will otherwise be thrown upon him. As far as I know both the English Act and the Bombay Act do not burden the Controller."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, this also cuts at the principle of the Bill and it will bring in all sorts of questions between the tenant and the landlord, and it will also burden the Controller to find out what those charges are. For these reasons I am unable to accept the amendment."

The motion was then put and lost.

Maulvi A. K. Fazl-ul-Haq; Babu Surendra Nath Ray.

Clause 6.

60. The Hon'ble Maulvi A. K. Fazl-ul-Haq was to have moved that after the words "previous terms" in line 4 of clause 6 (*1*) the words "but not otherwise" be inserted.

61. The Hon'ble Maulvi A. K. Fazl-ul-Haq was to have moved that clause 6 (*2*) be omitted.

The Hon'ble Member being absent, motions Nos. 60 and 61 were deemed to have been withdrawn.

The following motion was, by leave of the President, withdrawn :—

62. The Hon'ble Rai Radha Charan Pal Bahadur to move that at the end of clause 6 (*2*) the following be added, viz:—

"Provided that the payment by the tenant of rates, taxes or other impositions payable by the occupier of any premises under the provisions of the Calcutta Municipal Act or any other law for the time being in force, shall not, for the purposes of this section, be deemed to be an alteration of the terms of the tenancy so as to constitute an increase of rent"

Clause 7.

63. The Hon'ble A. K. Fazl-ul-Haq was to have moved that for clause 7, the following be substituted, viz :—

"7 (*1*) It shall be open to the landlord or the tenant to apply to the Controller to revise the municipal valuation, municipal rates and taxes of premises owned or occupied by him as the case may be, on the basis of the standard rent.

(*2*) The Controller shall give due notice to the landlord if the application is by the tenant, or to the tenant if the application is by the landlord, and in either case to the Municipality or Municipal Corporation concerned, of his intention to hear all parties concerned on a date to be specified by him.

(*3*) The Controller shall then hear all parties and, making such enquiries and investigations as may be necessary, settle the valuation, the rates and taxes in respect of the premises.

(*4*) The Controller shall have power to reduce or increase the municipal rates or taxes with respect to any premises, and nothwithstanding anything contained in the Calcutta Municipal Act, 1899, or the Bengal Municipal Act, 1884, such reduction or increase shall be binding on the Corporation or Municipality concerned as well as on the landlord and tenant, and any amount in excess of the rates and taxes fixed by the Controller shall be irrecoverable".

The Hon'ble Member being absent, the motion was deemed to have been withdrawn.

64. The Hon'ble Babu Surendra Nath Ray moved that for clause 7 the following be substituted, viz.—

"Where the landlord pays any municipal rates or taxes in respect of any premises he may by a notice in writing to the tenant increase the standard rent proportionately to the increase in the amount for the time being payable by the landlord in respect of such rates or taxes over the amount paid during the period of assessment which included the first day of April, 1919".

Mr. Gurner.

He said :—

"My Lord, it appears that if the Municipality raises the tax of any holding in respect of which standard rent has been fixed and in respect of which the assessment of valuation of the Municipality is more than that of the standard rent, then the landlord will be able to recover only the increased amount of the rates and taxes from the tenant and not the amount proportionate to the increased valuation of the holding. I think when public bodies such as the Calcutta Corporation raise the annual value of a holding, it is only meet and proper that the landlord should get the benefit not only of the increased taxes but also the benefit of the rent which he may get otherwise. This is, my Lord, all I have to say."

The Hon'ble Mr. Gurner said :—

"My Lord, in rising to oppose this amendment on behalf of Government I would in the first place invite the close attention of this Council to the actual effect of clause 7 as it stands in the Bill.

This clause is taken from the Bombay Act and provides in brief that when the landlord pays municipal rates he may apply to the Controller for payment by the tenant any increase in the rates over the amount paid on the 1st April, 1919. Now the effect of this clause taken from Bombay is modified somewhat to the disadvantage of the tenant in its application to Calcutta. In Bombay so far as I can ascertain the rates are not apportioned by law between the owner and the occupier. In Calcutta on the other hand the consolidated rate is by law payable half by the owner and half by the occupier. Consequently except in the rare cases where the occupier agrees to pay the owner's rates the landlord pays municipal rates in respect of all his rented premises. He may or may not pay the occupier's share of the rates. He is bound by a statutory liability which he seldom seeks to avoid to pay the owner's share, that is, approximately 10 per cent. of the annual value of the premises. Therefore clause 7 as it stands will apply practically to all rented houses in Calcutta, and it will have the direct result of shifting on to the tenant, subject to the decision of the Controller, the statutory liability of the landlord under the Municipal Act for increase in the owner's share of the rates which is bound to occur.

I need hardly explain why such an increase should occur. For the simple reason that assessment is fixed for periods of six years, and as Wards come up for revision at that period the rent has almost invariably outgrown the rates. The old assessment is that fixed six years before on the basis of the fair rent at that time and it will be realised at once that this, after a lapse of six years, will be considerably below the rent now paid for the premises, fair rent, standard rent or whatever it may be. Therefore in the great majority of cases of the revaluation of rented premises the assessment will have to be increased simply to bring that up to the level of the fair rent.

Now but for clause 7 that increase would have been equally shared and very reasonably so by landlord and tenant in accordance with their statutory liability under the Municipal Act.

That, Your Excellency, I should have thought was a sufficiently generous concession by Government to the landlord.

He may escape liability for the rise of his rates over those of 1919 even though his rents in that year had risen above the valuation on which his rates are based and will rise by another 10 per cent.

Rai Debender Chunder Ghose Bahadur.

And what more is asked for? In the first place that this transfer of liability should be outside the sphere of the Controller that the principle of payment of all increases of rates by the tenant should be not subject to the discretion of that officer but become an iron law. The landlord issues his notice and without consideration of any special circumstances, without appeal, the tenant pays. Aware as we all are of the circumstances which have brought this Bill into being, there are few, I think, who would consider it reasonable to place the operation of this clause out of the hands of the Controller.

But there is much more behind the amendment than that for its effect will be to make the tenant liable not for the actual increase of rate payable by the owner, but for an increase in his rent proportionate to that. I must trouble Your Excellency with figures to make clear the result of this. Suppose for instance that in April 1919 the rent paid was Rs. 1,800 per annum and the rent fixed five or six years before were Rs. 1,500, a very moderate supposition, the total rates payable would then be Rs. 300 per annum, the landlord's share being Rs. 150. When the time comes in 1920 for reassessment the municipal valuation is naturally raised to the level of the rent, Rs. 1,800, the rate payable becomes Rs. 360 and the landlord's share Rs. 180. That is, the owner's share of the rate has increased on the basis of his own rent by Rs. 30 on Rs. 150 or by one-fifth. Is the landlord then to be allowed to increse his rent not by the actual Rs. 30 but proportionately, that is, by a fifth on Rs. 1,800, or by Rs. 360? Is he to raise his rent from Rs. 1,800 to Rs. 2,160 because his rates have gone up from Rs. 150 to Rs. 180? The proposal is so preposterously inequitable that I should not be surprised if now that the curtain is lifted from the cradle my hon'ble friend disowned the monstrous prodigy and yet that is the plain purport of his substituting the words "proportionate increase" for the word actual increase in his amendment.

I have, I trust, made it clear that the amendment now under consideration, as drafted, cannot possibly stand and I would oppose in any form the extension of the already ample concession to the owner made in clause 7 of the Bill."

The Hon'ble Rai Debender Chunder Ghose Bahadur said:—

"My Lord, I support the amendment of the Hon'ble Babu Surendra Nath Ray. I am referring to houses in the northern part of the town where revised assessments are taking place at the present moment and a memorial has been sent up to your Excellency's Government complaining against the revised assessment by the Calcutta Corporation. I am not here to join in the agitation, but what I do say is this: It is only reasonable that the Calcutta Municipality should increase the rateable value of that part of the town because in that part of the town there have been structural improvements partly effected by the Improvement Trust and partly effected by the Calcutta Corporation, and where the owner of a house has got a new road passing two sides of his house, the value of the property naturally increases and therefore the Municipality have a just cause for assessing the rental value of the property to a higher figure. That is what the Calcutta Corporation are doing in the northern part of the town and that has given occasion for public meetings and memorials against this work of the Corporation. What my Hon'ble friend Babu Surendra Nath Ray says is this—'If you do not stop the Municipality from increasing the rental value of these properties for the purpose of fixing the rent you must give the benefit of the rental value by the Corporation to the landlord against the tenant.' The legislature not only controls the relations between the landlord and the tenant but it has the power to control the operation of the Calcutta Corporation and it can put in a clause either directing the municipality not to increase the rental value or giving the benefit of the rental value to the landlord against the tenant. I do not see any unfairness in this. The fact

Mr. Gurner; Rai Debender Chunder Ghose Bahadur; Babu Surendra Nath Ray; Rai Radha Charan Pal Bahadur.

that the Calcutta Corporation have increased the rental value is certainly *primâ facie* evidence that the rent ought to be more than what it was in 1918. These proceedings are taking place in 1920 in the northern part of the town, and therefore there is no reason why the Controller should be bound hand and foot not to take cognizance of these rental values."

The Hon'ble Mr. Gurner said:—

"May I point out that the amendment does not leave any discretion to the Controller in the matter?"

The Hon'ble Rai Debender Chunder Ghose Bahadur continuing said:—

"I am referring to the words of section 7 of the Bill. Well, for the increase of the rental value by the Assessment Department of the Calcutta Corporation the Hon'ble Mr. Gurner, who is the Chairman, is alone responsible and not the Commissioners.

Therefore, I think, it is very fair for the Hon'ble Member-in-charge of the Bill to see that this inconsistency does not take place, and, I think, he should be the last person to oppose an amendment of the kind proposed by my hon'ble friend Babu Surendra Nath Ray. This is all I have to say."

The Hon'ble Babu Surendra Nath Ray said:—

"My Lord, my hon'ble and esteemed friend Rai Debender Chunder Ghose Bahadur has practically said all that I have to say in reply. Only one word, my Lord, and it is this: There has been an admission—and a very serious admission—by Government just now that the Municipal valuation is fixed according to fair rent. The landlords have all been crying to have fair rent fixed and that is all they want. They don't want preposterous or exhorbitant rent. All they want is fair rent and so let them have fair rent according to the municipal valuation."

The motion was then put and lost.

65. The Hon'ble Rai Radha Charan Pal Bahadur moved that in line 2 of clause 7 the word "or" be omitted, and after the word "taxes" in the same line the following be inserted, viz:—

"cesses, exemption or betterment fees or other impositions by Government or any local authority".

He said:—

"My Lord, I am afraid the amendment which was put rather in a hurry does not clearly express what my intention is. My intention is that besides municipal rates and taxes there are other impositions, such as the education cess, charge for the excess consumption of water and exemption or betterment fees, and I think something ought to be provided with regard to this vexed question. Take the case of a house the standard rent of which is fixed at Rs. 50, but afterwards the owner pays an exemption fee of Rs. 500 in respect of that house on account of certain improvements carried out in that locality. So far as this section is concerned, I do not know whether the landlord will be able to make any arrangement with the tenant for the payment of these extra charges. I think it will be admitted that if these extra charges are to be borne by the owner of the house, it will be very hard upon him because it will be practically reducing the standard rent to a considerable extent. The wording may not be quite clear, but this is my intention and these are the points which I desire to bring to the notice of Government. If Government see the justice of my suggestion, they may be pleased to accept the principle of my amendment and modify it in any way they may think fit."

Maharajadhiraja Bahadur of Burdwan; Rai Radha Charan Pal Bahadur; Sir Henry Wheeler; The President.

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, I am only willing to accept this much, that is, 'Where the landlord pays any municipal rates, taxes or cesses'. I am not willing to accept the other things exemption or betterment fees or other impositions by Government or any local authority. If he is willing to accept that, on behalf of Government, I am prepared to add the word 'cesses'."

The Hon'ble Rai Radha Charan Pal Bahadur said:—

"I have no other alternative than to accept this, but it would be better if the question of other impositions was considered."

The motion was then put in the following form and agreed to:—

"That in line 2 of clause 7 the word 'or' be omitted and after the word 'taxes' in the same line the following be inserted, viz.—

'or cesses'."

66. The Hon'ble Rai Radha Charan Pal Bahadur moved that the words "apply to the Controller to" in lines 2 and 3 of clause 7 be omitted.

He said:—

"My Lord, it will be seen from clause 7 that in regard to any increase the owner of the property is required to apply to the Controller. I have got the Bombay Act with me and there is no such provision. The increased amount can be charged by the landlord."

The Hon'ble Sir Henry Wheeler said:—

"Is not this practically covered by amendment No. 64?"

The President said:—

"I think this amendment which the Hon'ble Member wishes to move is disposed of by the decision which the Council came to on amendment No. 64. The effect of carrying this amendment will be practically the same as carrying amendment No. 64. The Council has already rejected No. 64 and therefore No. 66 is no longer in order."

The motion was then, by leave of the President, withdrawn.

67. Motion No. 65 being carried in a modified form the Hon'ble Rai Radha Charan Pal Bahadur moved that in line 5 of clause 7 the word "or" be omitted and after the word "taxes" in the next line, the following be inserted, viz., "or cesses."

The motion was put and agreed to.

68. The Hon'ble Raja Hrishikesh Laha was to have moved that at the end of clause 7 the words "if the tenant objects to pay the same" be added.

The Hon'ble Member being absent, the motion was deemed to be withdrawn.

69. The Hon'ble Rai Radha Charan Pal Bahadur moved that for the words "one month" in line 4 of clause 8 (*1*) the words "fifteen days" be substituted.

He said:—

"My Lord, I think 15 days' notice is quite sufficient, otherwise the owner of the property shall have to wait for one month more. I hope this amendment will be accepted by the Hon'ble Member-in-charge of the Bill."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, I cannot accept this. It is far too short a period."

The motion was then put and lost.

Rai Radha Charan Pal Bahadur; Maharajadhiraja Bahadur of Burdwan.

70. The Hon'ble Rai Radha Charan Pal Bahadur moved that in lines 5, 6 and 7 of clause 8 (*1*) for the words "of his intention to increase the rent, accompanied by a certificate from the Controller fixing the standard rent" the words "specifying the amount of such increase" be substituted.

He said :—

"My Lord, here I may say I am following the English Act and the Bombay Act where a notice by the landlord is quite sufficient. The Bombay Act follows the English Act, but the Calcutta Act makes a great departure from them by requiring the landlord to submit a certificate from the Controller to the tenant. If any such certificate is necessary, a certified copy of the previous order of the Controller ought to be sufficient. In the Bombay Act and in the English Act no such certificate is necessary because there the procedure is laid down that where an increase is liable under the provisions of the Act, it is unnecessary to produce a certificate. I think in Calcutta, too, it is unnecessary to increase the burden of the Controller, and also of the landlord and tenant. There are tenants and tenants and landlords and landlords, why put them to unnecessary expense and trouble? I think a simple notice, say in Bengali, stating the amount of advance will be quite sufficient."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, in this case I would welcome a little burden on the Controller because it will have a healthy check on the landlord, and therefore I am not prepared to accept the amendment, which, on the surface seems innocent, but which is certainly more in favour of the landlord than of the tenant."

The motion was then put and lost.

71. Motion No. 70 not being carried, the Hon'ble Rai Radha Charan Pal Bahadur moved that for the words "of his intention to increase the rent, accompanied by a certificate from the Controller fixing the standard rent", in lines 5, 6 and 7 of clause 8, the following be substituted, viz:—

"which shall be supported by a copy of the Controller's order fixing the standard rent in case of dispute".

He said :—

"My Lord, as my previous amendment has not been accepted, I hope this will be accepted. It amply provides safeguards for the tenants also. In case of a dispute between the landlord and the tenant, the landlord will go to the Controller and get a certificate and show it to the tenant."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I think our draft is more happily worded, and I do not like the words 'in case of dispute'. I therefore oppose the amendment."

The motion was then put and lost.

ADJOURNMENT.

The Council was then adjourned to Tuesday, the 13th April, 1920, at 11 A.M. at Government House, Calcutta.

J. F. GRAHAM.

Secretary to the Government of Bengal
and Secretary to Bengal Legislative Council.

CALCUTTA;
The 21st May, 1920.

B. S. Press—10-6-1920—464J—350—F. T.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

The Council met in the Council Chamber at Government House, Calcutta, on Tuesday, the 13th April, 1920, at 11 A.M.

Present:

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *presiding*.

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., LO.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble SIR CHARLES STEVENSON-MOORE, K.C.I.E., C.V.O.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. F. J. MONAHAN.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble Mr. C. W. Gurner.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble MR. S. W. GOODE.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. R. M. WATSON SMYTH.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble MR. ALTAF ALI.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU SARAT CHANDRA CHAKRABARTTY.

THE CALCUTTA RENT BILL, 1920.

The discussion of the Amendments on the Calcutta Rent Bill, 1920, was resumed.

Clause 9.

72. The Hon'ble Rai Radha Charan Pal Bahadur moved that for the word "person" in line 1 of clause 9 (*1*) the word "landlord" be substituted.

He said :—

"It will be seen in clause 9 it is stated 'it shall not be lawful for any person . . . . . to require the payment of any fine . . . . . in addition to the rent;' and then in a subsequent sub-clause it is stated 'that the sum will be recoverable by the tenant by whom it was made from the landlord.' In one place it is 'person,' in another place it is 'landlord.' The 'person' may mean broker or middleman or anybody, and in order to make it uniform I suggest this amendment."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, the reason that we have got 'person' quoted here is that we have also got to provide for the landlord's agent who may be receiving the premiums and therefore it is quite clear that 'any person' is the proper wording and not 'any landlord.' The landlord may not in every case collect his own rent; he may have an agent."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"But, my Lord, it may be some other person besides the agent, and if the agent takes the premium the landlord will be responsible, so my amendment is quite harmless."

The motion was then put and lost.

73. The Hon'ble Rai Radha Charan Pal Bahadur moved that for the word "fifteenth" in line 3 of the proviso to clause 9 (*2*) the word "thirty-first" be substituted.

He said :—

"My Lord the 31st of March is the end of the official year, and instead of the middle of the month, I think it would be more convenient to include the last day of the month, and I think that was also the original idea."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, some people's memory, when it suits them, becomes very short. I think the Rai Bahadur forgets that in the original Bill it was from the date of the commencement of the Act. When I agreed to the 10 per cent. increase I said that we must rope in a certain number of landlords before the commencement of the Act, and therefore I said the proper date should have been the 8th of March, the date that the Bill was published, but I also said that I was quite willing to put it at the 15th of March, the date of the introduction of the Bill in Council, and I think the Rai Bahadur agreed to my suggestion; there is no question of the middle of the month or the end of the official year, here therefore I cannot possibly accept this amendment."

The motion was then put and lost.

Maharajadhiraja Bahadur of Burdwan; Mr. P. C. Mitter; Rai Radha Charan Pal Bahadur.

74. The Hon'ble Rai Radha Charan Pal Bahadur moved that a the end of the clause 9 (*2*), proviso, the following be added, viz:—

"nor shall affect or apply to any payments made by way of brokerage costs, lawyers' fees or other incidental and necessary expenses"

He said :—

"My Lord, when the lease of a house is taken, brokerage and lawyers fees and other expenses are incurred. I do not think it is intended that when the premium is refunded, that all these costs which are incidental to a lease should be refunded; these are expenses which are legitimately incurred and paid. I hope this suggestion will be considered."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I think the Rai Bahadur is as well aware as anybody else that in cases of *salami* sometimes brokerage is included, and therefore we cannot possibly leave the word 'brokerage' in the way he desires. As regards costs and lawyers' fees, I take it that ordinarily these would not be affected, but as regards other 'incidental and necessary expenses' it may mean anything; therefore it is not possible for me to accept this."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I do not also think that this amendment is necessary, but my reasons are quite different from those of the Hon'ble Member in charge. In view of clause 9 (*1*) the sum which that clause prohibits from being realised will not include lawyers' charges, brokerage or 'other incidental and necessary charges', this amendment is unnecessary."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"Then, I wish to withdraw my amendment, my Lord."

The motion was then, by leave of the President, withdrawn.

75. The Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of clause 9 (*2*), proviso, the following be added, viz:—

"Provided further that a premium or any other like sum may be required to be paid in respect of any premises not let for residential, educational, charitable or public purposes".

He said :—

"My Lord, I do not want to say much on the subject. It is well known that the payment of *salami* or premium is an old and established custom in this country, and this matter has not been discussed here in this Council. But I think it is practically the unanimous opinion of the three members who have submitted notes of dissent to the Select Committee's report that this practice should be allowed to continue."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, the Rai Bahadur discussed this question *ad nauseum* in the Select Committee. Of course it is not for a member of Government to lose his temper or use intemperate language, but I cannot help saying that this is a most wicked amendment. It will at once knock the bottom out of the clause regarding *salami*. I have never heard of *salami* being paid for residential houses, or for houses taken for charitable purposes, but it is only taken in the case of shops, and the very class of houses for which *salami* is

paid, and which we want to protect we have put in a restriction of *salamis* for other kinds of houses. For this reason I am unable to accept the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"I only beg to point out this : I do not know whether my amendment seemed clear or not to the Hon'ble Member. My amendment excludes residential, educational or charitable buildings, and does not imply that these should be included so far as *salami* was concerned."

The motion was then put and lost.

76. Motion No. 75 not being carried, the Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of clause 9 (*2*), proviso, the following be added, viz:—

> "Provided further that this section shall not apply to premises other than those occupied for residential, educational, charitable or public purposes and in respect of which a premium or a like sum is usually paid, but the amount of the premium or any other like sum shall not exceed by more than ten per cent. the amount previously paid as premium or the like, but this does not exclude any voluntary payment of a premium or any other like sum".

He said :—

"My Lord, I may mention that I believe the amendment is clear ; it is not intended that *salami* should be imposed on residental, educational, or charitable institutions. It is merely in respect of business premises where *salami* has been paid for years past, and is subject to a maximum payment of ten per cent. which is the maximum which is also allowed in respect of rent. Some such provision is suggested here with a view to enable the system which is now in vogue to continue, and against which there is no complaint whatever."

The Hon'ble Mr. Phelps said :—

"My Lord, I would like to thank the mover of this amendment for the revelations which he has vouchsafed."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"Some people touch their noses like this, and some like that and that is what this amendment is ment to do. I do not think that I mentioned anything in my speech on the previous amendment that the Rai Bahadur was going to apply his amendment to residential premises. I said that the Rai Bahadur's intention was that *salami* should be levied for shops, and really this provision has been put in to protect shops, and for that reason I am unable to accept this amendment."

The motion was then put and lost.

The following motion was, by leave of the President, withdrawn :—

Clause 9 A.

77. The Hon'ble Rai Radha Charan Pal Bahadur to move that after the word "rent" in line 3 of clause 9A the following be inserted, viz. :—

> "in respect of premises in which special alterations, accommodations, decorations, fittings, and repairs are made at the tenant's requisition or".

The following motion was, by leave of the President, withdrawn :—

78. The Hon'ble Rai Radha Charan Pal Bahadur was to have moved that after the words " which are " in line 4 of clause 9A the following be inserted, viz:—

" let out to tenants at will or tenants on very short terms or are ".

The Hon'ble Mr. P. C. Mitter said :—

" Amendments Nos. 79, 80 and 81 relate to the same subject. My amendment is No. 81, and is in some sense of a wider scope. I would ask Your Excellency's leave to move this amendment first."

The President said :—

" Yes, I think that is so. I think the Hon'ble Member's amendment has a wider scope, and should therefore be moved first."

81. The Hon'ble Mr. P. C. Mitter moved that in clause 9A for the words " twenty years for the purposes of development either by building or re-building, if the Controller is satisfied that such premises are *bonâ fide* required for such purposes," in lines 5 to 8 the words " nine years " be substituted.

He said :—

" My Lord, I consider the proviso to be all-important. Having accepted the principles of the Bill, and the previous clauses having been passed, we must keep in view the importance of allowing nothing, but the standard rent during the continuance of the Act, and that the proviso safeguards. With regard to the question of *salami*, that is a question which affects freedom of contractual rights between parties, but when the question of freedom of contractual rights affects the principles of the Act, then the freedom of contract must give way to the principles of the Act, but if we have 9 years instead of 20 years, then we have three times the period the Act will remain in force, and when we safeguard the payment,—nothing should be paid, but the standard rent—during the actual period the Act will remain in force, I do not see how the principle will be affected. On the other hand, it is necessary to provide in such a way that the development of Calcutta will not be retarded. Suppose there is a landlord who has not got money to develop his property, and suppose an intending tenant has the money for that purpose. If the question merely be to add a storey to a two-storied house, the tenant may be quite willing to take a lease for 9 or 10 years and add another storey. The object of the Act will be safeguarded, and at the same time, the provision will be better from the point of view of the tenant and the landlord. On the other hand, if the clause stands as it has been drafted, then *salami* will be acceptable only for the purposes of building or rebuilding and so on. In that case the landlord and the tenant will have in every case to go before the Controller, and where it is only a question of pulling down a house clause 9A will come into operation, and my submission is, it is not necessary to have the latter portion of the first part of clause 9A so long as we have the proviso, we should not be interfered with."

The President said :—

" I may point out to the Hon'ble Rai Radha Charan Pal Bahadur that the amendment which stands in his name (No. 82) is practically covered by this amendment, so that the discussion on the two will take place now."

Mr. Phelps; Maharajadhiraja Bahadur of Burdwan; The President.

The Hon'ble Mr. Phelps said :—

"My Lord, I must oppose this amendment. There are other ways of treating encumbered properties than merely by the adoption of the course of demanding *salami*. I myself have had a scheme, and there are other schemes available which will help owners of encumbered estates in a much better way than this."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"I would just like to mention that the Hon'ble Raja Hrishikesh Laha has also got an amendment on this subject. I do not know whether he proposes to speak on it ; in that case I might be able to speak at the end in reply to all these amendments."

The President said :—

"The amendment standing in the name of the Hon'ble Raja Hrishikesh Laha is very much more restricted in its scope than the amendment now before the Council. The amendments of the Hon'ble Mr. Mitter and the Hon'ble Rai Radha Charan Pal Bahadur, now under discussion, raise a much wider issue and I think we should take them separately."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, of course the Hon'ble Mr. Mitter in his reply will accuse me of having broken a compact regarding the 10 per cent. increase, but I do not think I have done that ; but I think he is distinctly breaking the compact which he entered into in the Select Committee over this. The idea of allowing any *salami* at all only came into my head when we considered that it would not be illogical to have a provision for the development of properties which ought to be developed. I have not known of any instances of a man taking a lease for nine years, and developing or rebuilding the property and giving it back to the landlord. The landlord generally gives these long leases for two reasons. First of all, to be saved from the bother of having to pull down his premises and of rebuilding, and, secondly, because it also saves him from the constant notices that he may receive from the Corporation or the Trust or other public bodies. The object underlying this new clause is this, that we do not want to be accused that in our desire to stop the levy of any kind of premium by the landlord, even that in long leases, even when a landlord is prepared to give long leases to tenants to develop the property, we were debarring him from doing so under the provisions of this Act. I may point out that the proviso here has only been put in so that we may keep to the principle of a standard rent, otherwise, really and truly in practice, this proviso would be more an eyewash than anything else because in a lease for 20 years or upwards, surely after three years, the question of standard rent would not arise. Moreover, another thing that remains to be seen is when the building or rebuilding is allowed, if a landlord choose to take the matter to court, whether or not this would really come under clause 24. For these reasons, and also for the reason that Government cannot be a party to allowing any *salami*, excepting in the case of a very long lease, I am sorry I have to oppose this motion, and I am surprised that the Hon'ble Mr. Mitter, who accepted it in the Select Committee, should now bring forward the question of nine years.

Mr. P. C. Mitter.

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, as regards the breach of compact mentioned by the Hon'ble Member in charge, I am afraid my memory does not agree with his. The only compact which was made was this : the Hon'ble Member said that if any one of us put an amendment for an increase of 10 per cent. he would withdraw that 10 per cent. clause but he in his turn agreed to the 1st of April 1919 as the date for fixing the standard rent. In contravention of that compact the Hon'ble Member in charge has accepted the motion of Mr. Phelps. As regards this particular clause, so far as my memory serves me, there was absolutely no compact. I drew attention to this clause in my note of dissent. And I may remind the Hon'ble Member that when the point was discussed in the Select Committee I said seven years was quite enough. Mr Payne said that for development purposes you do not ordinarily get a lease for less than 20 years. The position I took up in the Select Committee was that we must safeguard the object of the Act so far as the payment of rent for 3 years is concerned, but save and except that I strongly opposed any modification of contract. But that is interference with freedom of a different position. After all the compact has nothing to do with the particular matter we are discussing at the present moment. The question is whether I have given reasons in support of my amendment. Yesterday, during the course of discussion, I pointed out that if a dishonest landlord wanted to take *salami* he could do so in a round-about way and the bill as drafted could not touch him. I warned you not to be led away by mere apprehensions and not let honest landlords suffer. My Lord, I agree with my hon'ble freind opposite that landlords do not ordinarily give long leases for development purposes for less than 20 years and that is the reason why I wish to delete the words 'development purposes.' In my limited experience, I have seen instances—a large number of instances—where a landlord is in need of money and where his house would fetch Rs. 500 a month he would lease it out for Rs. 300 and charge Rs. 5,000 or so in cash. In such a case the premium is not objectionable. There the premium is only realizing a portion of the rent in advance. That principle has been accepted in clause 15. Then why interfere with freedom of contract when the necessity of the situation does not demand it ?"

The motion being put, a division was taken with the following result :—

Ayes—11.

The Hon'ble Babu Sarat Chandra Chakrabartti.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Altaf Ali
" " Babu Akhil Chandra Datta.
" " Mr. P. C Mitter, C.I.E.
" " Babu Siv Narayan Mukharji.

Noes—22.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amin-ul-Islam.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Gurner.
" " Babu Kishori Mohan Chaudhuri.
" " Khan Sahib Aman Ali.
" " Mr L. S. S. O'Malley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. W. H. Phelps.
" " Mr. R. M. Watson Smyth.
" " Maulvi A. K. Fazl-ul-Haq.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Babu Mahendra Nath Ray, C.I.E.
" " Rai Sri Nath Ray Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Mr. Aminur Rahman.
" " Mr. Hindley.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Dr. Abdulla-Al Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Nawab Bahadur of Murshidabad, Amir-Ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Deba Prasad Sarvadhikari, Kt., C.I.E.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. J. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Catheart.
" " Mr. Pickford.
" " Rai Debender Chunder Ghose Bahadur
" " Sir Nilratan Sarkar.

The *Ayes* being *11* and the *Noes 23*, the motion was lost.

79. The Hon'ble Raja Hrishikesh Laha was to have moved that for the word " twenty " in line 5 of clause 9A, the word " ten " be substituted.

He said :—

" My Lord, I do not wish to press my amendment."

The motion was, by leave of the President, withdrawn.

80. The Hon'ble Rai Radha Charan Pal Bahadur was to have moved that for the word " twenty " in line 5 of clause 9A, the word " ten " be substituted.

The President said :—

" Amendment No. 80 is covered by the previous decision."

The motion was then deemed to have been withdrawn.

The following motion was, by leave of the President, withdrawn :—

82. The Hon'ble Rai Radha Charan Pal Bahadur was to have moved that the words " either by building or rebuilding, if the Controller is satisfied that such premises are *bonâ fide* required for such purposes " in lines 6 to 8 of clause 9A be omitted.

83. Motion No. 82 not being carried, the Hon'ble Rai Radha Charan Pal Bahadur moved that after the word " rebuilding " in line 6 of clause 9A the words " or otherwise " be inserted.

He said :—

" My Lord, there are two ways of developing a property. For instance, there is a big area, and it may be necessary to open out roads there or to fill up a tank. I think, therefore, that the word 'building' or 'rebuilding' is

simply restricting one kind of development. I have therefore suggested th insertion of the words 'or otherwise' after the word 'rebuilding.'"

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, this is another way of getting at the amendment which th Hon'ble Rai Radha Charan Pal Bahadur withdrew, namely, amendmen No. 77, as the words 'or otherwise' cover 'all' as well. Moreover, th object of this new clause 9A is simply to allow premia in cases where the landlords are willing to allow the tenants long leases for the purpose c development of their property and nothing else. It is only with that objec that the Government themselves put in this new clause and we cannot accep this addition. I, therefore, oppose it."

The motion was then put and lost.

84. Motions Nos. 82 and 83 not being carried, the Hon'ble Rai Radh Charan Pal Bahadur moved that the words "if the Controller is satisfied tha such premises are *bonâ fide* required for such purposes" in lines 6 to 8 o clause 9A be omitted.

He said :—

"My Lord, we have accepted the provision of the 20 years' lease for th purpose of development either by building or rebuilding. Is it necessary therefore, having regard to the long term of the lease in case all such pre mises for the party again to incur the expense of going to the Controller an obtaining his permission ?"

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I am not of course as sanguine as my friend Mr. P. C. Mitte about the honesty of landlords, but I think it is a very necessary provisio and I must insist on the maintenance of this provision. I, therefore, oppos the amendment."

The motion was then put and lost.

Clause 10.

85. The Hon'ble Mr. P. C. Mitter moved that in line 5 of claus 10 (*1*) for the words "be made so long as" the following words be substi tuted, viz:—

"be executed till after the expiry of three months from the date o such decree or order, provided".

He said :—

"My Lord, my object in moving this amendment is that the tenan should have protection for a period of 3 months after a decree in ejectment is passed and not for the full period during which the Act remains in force. My reasons, my Lord, are these. First of all when a landlord wants to eject a tenant he will have to serve a month's notice on the tenant according to the prevailing custom in Calcutta; then he is to institute a suit in court, an ordinarily it takes a fairly long time in Small Cause Court cases to get a ejectment decree. Now in the clause as it stands the tenant who is in th happy position of being in occupation of a particular premises will remain i possession of such premises for the remaining portion of 3 years, that is, th period during which the Act is in force. But what about the less happy person who is not in occupation of a house? Supposing we have 100 tenants but 50 houses, the 50 tenants who are in occupation of those 50 houses will

have the good fortune of remaining in possession of those houses and the other 50 tenants, who are not so fortunate, will have to go without any houses. It may be said that if we allow this provision the landlord will indirectly get some advantage, will perhaps take a premium or charge a higher rent, but are there not provisions in the Act which will bring to book the landlord, if such a case is brought to light? The landlord may be fined Rs. 500 and there are various other provisions in the Act which will stand in the way of the landlord from getting this indirect advantage. On the other hand, the standard rent is fixed and the landlord cannot charge anything more than the standard rent, but the tenant, who is in actual occupation of a house, may take a bonus of Rs. 500 from a sub-tenant, if he cares to sublet the house, while himself paying Rs. 200 to the landlord, and there is nothing in the Act to prevent him from doing so. Is it the real object of the Act? I do not for a moment say that all landlords are honest and that is why I wanted to exclude that class of landlords who are responsible for the present state of affairs. That is why I moved an amendment yesterday which, if accepted, would not have extended the benefit of the Act to profiteering middlemen, but the Hon'ble Member in charge of the Bill did not accept my amendment. However, it does not lie in the mouth of my hon'ble friend to say that I am very optimistic; I am not at all optimistic. A large number of persons have become Calcutta landlords who will try their level best to avoid the provisions of this Act. If there are black sheep among landlords there are black sheep amongst tenants also. I foresee that a large number of houses will be taken up by tenants of this class, who will take short leases because they know they cannot be turned out after that period, and then sublet at a profit and thus the *bonâ fide* tenants will suffer. On the other hand, if my amendment be accepted, then the landlord will have a choice of his tenant, but he will not be able to add a penny to the standard rent nor will he be able to get a bonus in addition, whereas the subletting tenant or sub-tenant will get all these advantages. Now, my Lord, there is one word more and I have done.

Is freedom of contract to be always treated as 'a scrap of paper' even when the necessities of the situation do not demand it? Is it wise for the Government to show this example of treating freedom of contract as 'a scrap of paper'?'

The Hon'ble Mr. O'Malley said :—

"My Lord, the clause as it stands bars the courts from making an order or decree for the recovery of possession by the landlord so long as the tenant pays standard rent and performs the conditions of the tenancy except in the cases mentioned in the proviso. The whole object of this clause is to give security of tenure to the tenant. The Hon'ble Mr. Mitter's amendment would allow the court to pass orders for recovery of possession, even if the proper rent is paid, but would merely postpone the execution of the order—in other words, the eviction or ejectment of the tenant—for three months. He is less liberal than the Rents Committee which proposed that an authority should be created which should have power to grant an extension to one year to tenants who admit that they are due to leave their premises. Mr. Mitter would give nine months less than the Rents Committee and he is even more illiberal than some of the courts are at present, for there are cases in which the courts in giving order for recovery of possession have postponed ejectment for six months and ordered that during those six months the tenant should continue to pay at the old terms and not the largely enhanced rent demanded by the landlord. I have before me the report of a case in the Small Cause Court, which appeared in the papers about two months ago, in which a tenant had been renting a house in Collin Street belonging to a particular landlord for about eight years and had during that period spent about Rs. 2,000 in making improvements and alterations in the premises.

Now the landlord wanted him to vacate the house, on a month's notice. The tenant, through his lawyer offered to enhance the rent from Rs. 80 to Rs. 150 per month. This, however, the landlord refused to accept, saying he could realise far more than Rs. 150 for the premises. The learned Judge regretted his inability to accept the terms offered by the tenant, but gave him six months' time in which to vacate the premises, the rent to be at the old rate of Rs. 80 a month.

To allow the courts to pass orders for eviction and to suspend their execution for only three months would mean putting the tenants again at the mercy of such landlords as are unscrupulous and rapacious. In practice it would mean that the landlord could force the tenant to agree to the terms he chose to impose. The tenant would be in constant fear of being sued in the court, and this would serve as a lever to get enhanced rent. The whole object of this clause is to give the tenant security of tenure, to allow him to remain in possession so long as he pays rent and does not contravene the terms of his tenancy, and this amendment would actually defeat that object.

Before I sit down I should like to say a few words as regards a misconception of the scope of this Act on the part of Mr. Mitter. If I did not misunderstand him, he is under the impression that the tenant may take anything that he likes from a sub-tenant. I may, however, refer him to the definition of the word 'landlord' as given in the Act. The word landlord includes a tenant who sublets any premises and every person from time to time deriving title under a landlord. So a tenant is himself a landlord in relation to his sub-tenant, and the sub-tenants to whom the Hon'ble Mr. Mitter referred are already covered by the definition. I am, therefore, unable to accept the amendment on behalf of Government."

The Hon'ble Mr. Phelps said :—

"My Lord, the Hon'ble Mr. O'Malley has given a very mild specimen of what is going on. I can give him another specimen. This is a case in which a man had rented a house for 18 years and had been in occupation for 15 years. During that time he had at his own expense put in crazy china floors, electrified the house and added three rooms and three bathrooms. The rent went up from Rs. 180 to Rs. 300 a month. That man had paid in rent no less than Rs. 44,000 besides the improvements he had effected out of his own pocket and then he got notices of ejectment unless he paid Rs. 600 a month."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, my friend the Hon'ble Mr. O'Malley has said that I am less liberal than the Rents Committee, but I beg to submit that a moment's consideration will show that it is not so. The Rents Committee was not in favour of a standard rent. Now that the tenants have got the standard rent—it is a great concession—it is hardly logical to accept what is in favour of tenants and rejected disregard that part of the Rents Committee's recommendation which was not in favour of a large proportion of the tenants. If the position of Government was that the Rents Committee's recommendations were correct then I would have welcomed those recommendations, but as the Government think that their recommendations are not correct, then it stands to reason that when we are giving the privilege of standard rent to the tenants we should not quote their recommendations. In fact my recommendations are not less liberal in favour of the tenants than those of the Rents Committee.

Now as regards the instance of a case in the Small Cause Court which Mr. O'Malley has quoted, a moment's consideration will show that the motives which obtained at that time disappear as soon as the Rent Bill is passed into

law. There the sole motive was to get the rent enhanced, but, after the Rent Act is passed, the landlord is precluded from getting anything larger than the standard rent. Therefore that is an instance which is hardly in point, and the same remark applies to the observation of Mr. Phelps. I have often said and again I repeat that there are many landlords who are very rapacious and also that there are many tenants who are dishonest, but let not the position of honest tenants be made more difficult. If my amendment is accepted the position of honest tenants will be made easier bacause the landlords, who will not be able to add a penny more to the standard rent, will not in a hurry change his tenant unless there is good reason for it. My freind, Mr. O'Malley, has given reply to some of the observations I made in my opening speech. For example, what about the other 50 tenants who have no houses? If we do not give a chance to those 50 tenants, where are they to go? The result of maintaining this clause will be that they will have to try either only new houses after such houses are built, and there will be an unequal competition for such houses. With every respect to my hon'ble freind I do not see eye to eye with him in his reading of the definition of the landlord and tenant and the definition of standard rent. I will give this instance to my friend and he will probably oblige me with a reply at a later stage of the debate. Suppose A is the owner of a house of which the rent is Rs. 400, B is the tenant who has sub-let it to C for Rs. 500. As between A and B the landlord is A, the tenant is B and the standard rent is Rs. 400. But as between B and sub-tenant C, B is the landlord and C is the tenant and the standard rent is Rs. 500. Now as regards C there is no standard rent when he brings in D. His position is just the same as the position of the owner of a house who has never let out the house. Now if C has ever let out the house there is a standard rent, but if C has never let out the house he was free to let out the house at any rent he chooses, because in his case there is no standard rent. If at a subsequent stage of the proceedings my amendment which says that do not allow the landlords more than 6½ per cent on their outlay then we will have solved the problem. I tried to bring these facts to the notice of the Select Committee, but I am sorry that the attitude of Government was that any concession, however reasonable that may be would be a concession granted to the rapacious landlords ignoring the fact that there are both honest landlords and dishonest landlords and honest tenants and dishonest tenants. I think there is time yet for remedying the defects, and I hope Government will see its wisdom to accept it, because if my amendment is accepted there need not be so much beating about the bush. I have tried to make the Act a fair and just one both for landlords and tenants, and I hope Government will accept it in the interest of the tenants who will go otherwise roofless."

The motion was then put and lost.

86 Motion No 85 not being carried, the Hon'ble Mr P C Mitter moved that in line 5 of clause 10 (*1*) for the words "be made so long as" the following words be substituted, viz :—

> "be executed till after the expiry of six months from the date of such decree or order, provided".

He said :—

"I move my amendment without a speech, the only difference between this amendment and the previous one being that here I have put in 'six months' in place of 'three months'."

The Hon'ble Mr. O'Malley said :—

"My Lord, I oppose the amendment on behalf of Government on the question of principle and not of period. The object of Government is to give

security of tenure to the tenant and that object would be defeated by the amendment."

The motion was then put and lost.

87. The Hon'ble Babu Kishori Mohan Chaudhuri moved that after the word "tenancy" in line 7 of clause 10 (*1*) the words "consistent with this Act or with any other law in force" be inserted.

He said :—

"My Lord, my amendment simply aims at the addition of a limiting clause to the conditions of tenancy. Whatever conditions there may be in the agreement, they must be consistent with the Act and that is the only argument I have to adduce in support of my motion."

The Hon'ble Mr. O'Malley said :—

"My Lord, I would deprecate the addition of the words proposed as being unnecessary. The clause as it stands is clear: it provides that the tenant must pay rent to the extent allowable by this Act and perform the conditions of his tenancy. It would be superfluous to add that those conditions must not contravene the law; in other words that they must not be illegal. If they are illegal they are null and void. I, therefore, oppose the amendment."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I beg leave to withdraw the amendment."

The motion was then, by leave of the President, withdrawn.

88. The Hon'ble Rai Radha Charan Pal Bahadur moved that after the word "tenancy" in line 7 of clause 10 (*1*) the following be inserted, viz. :—

> "and does not sublet the premises or any part thereof to another person without the consent in writing of the person from whom he derives his title".

He said :—

"My Lord, I think this amendment to be necessary. There is a large number of people who would like to have accommodation and if the tenant, without the consent of the landlord, makes money by letting out the premises to another person, I don't think it would be right. I think it would be in the interest of the *bonâ fide* tenant to make some arrangement with the landlord. And, therefore, I think that this proviso should be added."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, in the first place I do not think the addition of these words would be relevant with this clause, for here it is not a question as to whether the landlord should have a right over his tenant if he sublets the premises. It is a question of recovery of possession and really I am not able to follow why the landlord should be allowed to recover possession simply because the tenant has sublet the premises. Surely the tenant will not be able to sublet unless there is such a condition in the lease, and therefore it seems to me, in the first place, that the amendment is irrelevant, and, secondly, if this question had come in under the question of standard rent, we would have been able to follow it. But here it seems to be not only unnecessary but also, I really do not follow, why a tenant should not be allowed to sublet. Of course tenants would not sublet in any case, unless there was a distinct permission to do so, in his lease. Therefore I oppose the amendment."

Rai Debender Chunder Ghose Bahadur; Rai Radha Charan Pal Bahadur; Maharajadhiraja Bahadur of Burdwan.

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, so far as the English quarter of this town is concerned it is mentioned in the lease that the tenant would not sublet without the consent of the landlord, and that in case of a breach of this condition there would be a forfeiture of the tenancy. In this Act too, if the tenant sublets his house without the consent of the landlord, then the landlord should be allowed a re-entry."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I quite understand the situation. But what will happen in a case where there is no written agreement between the landlord and the tenant but only a verbal one? In such a case, I do not know if the tenant sublets his house, the owner of the house will have the right to take possession of the house. That is the difficulty and if that difficulty is met, I do not want to press it. But I am not very clear on this point."

The motion was then put and lost.

89. The Hon'ble Rai Radha Charan Pal Bahadur moved that after the word "annoyance" in line 6 of the proviso to clause 10 (*1*) the words "to the landlord or" be inserted.

He said :—

"My Lord, it is stated here that if the tenant is guilty of nuisance or annoyance to his neighbours he may be removed. But I know of cases where the tenants have caused nuisance or annoyance to the owner himself. Therefore I think that these words are necessary. This will do harm to nobody, and I think the cause of nuisance or annoyance would be determined by the court. The owner cannot simply charge his tenant of causing nuisance or annoyance and turn him out. In my experience of small places, I know that tenants and landlords—especially those who have let out a portion of their house—do not always pull on well together."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"The acceptance of this amendment, my Lord, might have very grotesque results. We may have a landlord asking his tenant to bring his *hookah* into the house, and a tenant's refusal to do so might be construed as a cause of annoyance to the landlord."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, the court will decide whether the bringing of a *hookah* is a nuisance to the landlord or not. Any and everything cannot be held to be a nuisance. I therefore press this amendment."

The motion was then put and lost.

90. The Hon'ble Mr. Arun Chandra Singha was to have moved that the words "building or" in line 8 of the proviso to clause 10 (*1*) be omitted.

The Hon'ble Member being absent, the motion was deemed to have been withdrawn.

Maharajadhiraja Bahadur of Burdwan; Raja Hrishikesh Laha; Mr. Phelps; Rai Radha Charan Pal Bahadur; Mr. Ashraf Ali Khan Chaudhuri.

91. The Hon'ble Raja Hrishikesh Laha moved that after the words "for his own occupation" in line 9 of the proviso to clause 10 (*1*) the words "or for the occupation of any member of his family or his employé" be inserted.

He said :—

"My Lord, the reason for this amendment is obvious. The landlord may require the house for the residence of his son or any other member of his family or for his employés, and it is only just and proper that these words should be inserted. If this amendment is carried then sub-clause (*1a*) will also have to be amended."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I can well understand, of course, that in certain cases the landlord may desire to get possession of his house for his own use or for near relatives, but we have had samples of certain of the amendments moved, and the spirit in which the landlord proposes to work the Act. He might bring in a coolie under the cloak of the word 'employé'. I do not think it is possible to allow such a broad definition, and for that reason I am unable to accept this amendment."

The Hon'ble Raja Hrishikesh Laha said :—

"My Lord, if such amendments are not carried then I have got nothing more to say. I know for a fact that houses are required for members of a family or for the employés, and when this Act comes into force, the landlord will not be able to find any place for them near his house."

The Hon'ble Mr. Phelps said :—

"My Lord, I must mention at this stage that one of the threats held out to me personally is that if this is passed the landlord who wants to take possession of the house will call any Tom, Dick and Harry, his dependants and put them in possession under this clause."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"I think that this provision exists in the Bombay Act and also in the English Act, and therefore it would not be out of place here."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"My Lord, I oppose this amendment on the ground that if it is allowed it will nullify the Act in a certain way. The employés of a landlord as the Hon'ble Raja Hrishikesh Laha has told us may want accommodation, but that accommodation may be found somewhere else on the standard rate of rent. What then is the necessity of dispossessing existing tenants? The existing tenant, if he has to go out, will have to find accommodation for himself. Then why not the employés? After all, the landlord does not lose. If he has to take a separate house for his employés, say at Rs. 100 a month, he will get that rent from his existing tenant. This amendment will work as a perpetual threat to the tenants and owing to that the tenant will be compelled to enter into some sort of compact with the landlord which would nullify the good effect of this Act."

Division.

The motion being put, a division was taken with the following result :—

Ayes—11.

The Hon'ble Babu Sarat Chandra Chakrabartty.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Debendra Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur
" " Babu Surendra Nath Ray.
" " Raja Hrishikesh Laha, C.I.E.
" " Khan Sahib Aman Ali.
" " Mr. P. C. Mitter, C.I.E.
" " Babu Siv Narayan Mukherjee

Noes—24.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amin ul-Islam
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. W. H. H. Arden Wood, C.I.E.
" " Mr. Garner.
" " Babu Kishori Mohan Chaudhuri
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. R. M. Watson Smyth.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. Altaf Ali.
" " Babu Akhil Chandra Datta.
" " Maulvi Fazl ul Haq.
" " Mr. Ashraf Ali Khan Chaudhuri.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Rai Sri Nath Ray Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Mr. Ammur Rahman.
" " Mr. Hindley.
" " Mr. Arun Chandra Singha.
" " Dr. Abdulla-Al Mamun Suhrawardy.
" " Maulvi Abul Kasem
" " Nawab Bahadur of Murshidabad, Amir-Ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Deba Prasad Sarvadhikari, Kt., C.I.E.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Catheart.
" " Mr. Pickford.
" " Sir Nilratan Sarkar.
" " Mr. W. H. Phelps.

The *Ayes* being *11* and the *Noes 24*, the motion was lost.

The following motion was, by leave of the President, withdrawn.

92. The Hon'ble Rai Radha Charan Pal Bahadur to move that after the words " for his own occupation" in line 9 of the proviso to clause 10 (*1*) words "or for the occupation of any members of his family or his employé' be inserted.

Mr. O'Malley; Rai Radha Charan Pal Bahadur.

93. The Hon'ble Rai Radha Charan Pal Bahadur moved that after the words " are held " in line 10 of the proviso to clause 10 (*1*), the following be inserted, viz:—

" or for complying with the requisition of a local authority or a court of law or for *bonâ fide* sale of the property ".

He said :—

" My Lord, it not unoften happens that a landlord is served with a notice from the Improvement Trust asking him to pull down a portion of the house, or from the court over a partition suit. The landlord may also want possession of the house for a *bonâ fide* sale. In such cases, subject of course to the order of the court, I think the landlord should have the right to take possession of the property."

The Hon'ble Mr. O'Malley said :—

" My Lord, the amendment consists of two portions which have been put together rather ingenuously. As for the first portion we considered in Select Committee whether there should be a condition to cover the lawful requisitions of a court of law or local authority, and we came to the conclusion that it was unnecessary. Ordinarily the order of a court of law will be carried out and if the tenant defies it, he does so at his peril, and the court can deal with him. As for municipal requisitions they are covered by the general provision for causes deemed satisfactory by the court, and I submit that this is the most satisfactory way of dealing with such cases. There seems to me also to be a possibility, if this amendment is accepted in its present form, that some injustice might be done. A requisition may require only temporary possession. The amendment, therefore, aims at giving the landlord permanent possession even in cases where possession for a temporary period is required, and it does not allow the tenant's right of re-entry when the work for which the house was required has been completed.

The second part of the amendment is the more serious of the two Under it, if a landlord wishes to sell rented premises, the tenant would have to vacate I would ask the Council to consider what effect this would have. It would lead the field clear for those speculators in house property whose operations have done so much to bring about the state of affairs which this Bill seeks to remedy. If there is a *bonâ fide* desire on the part of the landlord to sell the property, the sale can take place, but why should the tenant be turned out on that account? The Hon'ble Rai Bahadur assured the Council yesterday that everyone in Calcutta should have a roof over his head, but this amendment is not consistent with that assurance. I, therefore, earnestly appeal to the Council to reject this amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

" My Lord, as regards the first part of my amendment I understand from Mr. O'Malley's speech that it would be covered by the last clause of the Bill. But as regards *bonâ fide* sale of property it not unoften happens that when the property is sold, the owner wants to live in the house. It is the custom here that people do not like to go in for encumbered property and then go to litigation for its possession. It may be said that in the case of a sale the tenant will be ejected if the house is *bonâ fide* required for the use of the new owner. By the acceptance of my amendment, the owner can go and live in the house immediately after he has purchased it, or he can let it out on standard rent, as he pleases.

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"My Lord, I do not understand this amendment. What the Hon'ble Member wants is covered by clause 10 of this Act. After having paid for the house he becomes the landlord, and he can get the house for his own use on application to the Controller. Everybody likes to have his house unencumbered. It is for this reason that this Act is being enacted in order to protect the tenant from the profiteers. I know of cases where the purchasers paid a high price and ejected the former tenant in order to bring in tenants who would pay more. It is for this reason that we are enacting this law. I therefore oppose this amendment."

The motion was then put and lost.

94. The Hon'ble Rai Radha Charan Pal Bahadur moved that after the proviso to clause 10 (*1*) the following be inserted, viz:—

> "Provided further that if a tenant occupies any premises for less than three years from the date of the commencement of this Act or leaves the premises during the continuance of this Act without being compelled thereto, he shall be liable for the rent of the said full period of three years or shall indemnify the landlord against all losses and costs, etc., as the Controller may determine".

He said :—

"My Lord, this is truly in the interests of the tenant as well as the owner of the property because as my hon'ble friend Mr. P. C. Mitter has said there are good tenants and bad tenants, good landlords and bad landlords. There are tenants who are quite anxious to be *bonâ fide* tenants for a long period not less than three years and if a tenant, who in the pretence of occupying the house for three years enters the house, and, after three or four months leaves the house, then the *bonâ fide* tenant, who would live there for a long time, will be practically shut out. If such a proviso is inserted then that will obviate the difficulty, otherwise the tenants will not be liable for any consequences and he may be quite able to shut out other *bonâ fide* tenants from the possession of the property. I think, therefore, that in the interest of both tenants and landlords that this proviso should be inserted."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, the amendment suggested by my hon'ble friend Rai Radha Charan Pal Bahadur commends itself to my judgment for this reason. If you compel the landlord to retain a tenant for a period of three years, whether the landlord wishes or not it will be just and reasonable that the landlord should be assured of three years' rent. It is well known that in all leases in the town of Calcutta for a term of, say, three years there is a clause to the effect that on the expiry of the term of the lease the lessee will be bound to deliver up possession to the lessor and that all rents for the whole period should be paid up. He is bound to be answerable for the rent of the whole period whether he occupies or not. He has no option to surrender the lease and say, 'I have occupied it for one year and I do not propose to occupy it for any further period: I go away and won't pay you any further rent.' It does not lie in his mouth to say so because he will be liable in a court of law fo. the rent of the remaining two years. Therefore I think it is fair that if the landlord is bound to retain the tenant for a period of three years the tenant on his part should also be bound to pay the landlord the rent for the full period of three years."

Mr. Ashraf Ali Khan Chaudhuri; Mr. Phelps; Maharajadhiraja Bahadur of Burdwan; Rai Radha Charan Pal Bahadur.

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"My Lord, in all fairness I am inclined to support this amendment for this reason. As my hon'ble friend the Rai Bahadur has just now said, if you are now taking away the right of the landlord for ejecting a tenant within three years, it is quite fair that he should have the right that the house should not fall vacant within three years. I will just give an example and will try to illustrate my argument. I have a house where I know that the present tenant will not live for more than three months. Knowing all that I cannot turn him out before the expiry of three months and put in another tenant who will live there for more than three months. In the meantime, before the expiry of three months, the tenant who was willing to remain there for three years finds another house and goes there. After the expiry of three months I cannot find another tenant to put him in the house and so my house remains vacant—it may be for one year or less. Therefore I am rather inclined to support this amendment."

The Hon'ble Mr. Phelps said :—

"It is difficult for me—a simple man—always to follow my hon'ble friend the Rai Bahadur in his subterraneous arguments, but it appears to me that this amendment would provide the landlords with leases gratis. I must admire his sense of humour."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, I must candidly confess that the working of the minds of the Calcutta house owner has been a most wonderful revelation. Being a rural landlord myself, I can well appreciate the fear when some barristers go to the mufassal from Calcutta and try to rouse the tenants against the capacity of the landlord and his ideas of *abwabs*. But, my Lord, the rapacity of Calcutta house owners beats hollow the eagerness of rural landlords to take *abwabs*. I am indeed very much surprised that Mr. Ashraf Ali Khan Chaudhuri, who is generally so intelligent over these matters and is able to grasp the underlying motive of the Rai Bahadur and those who advocate that policy in this Council, should have been taken in. We are not legislating simply for one class of tenants who give leases. We have got to consider the tenants-at-will such as shop-keepers, and are we to be told that every tenant, whether he enters into a contract with the landlord or not, has got to stick there for three years whether he likes it or not? My Lord, the whole proposition is monstrously unjust. You cannot possibly persuade or force a tenant to stay there for three years if he does not wish to. Of course if the lease is for three years and the tenant goes away after two years, that is a different matter, and if he has not got the power under the lease to sublet, that is a different matter. But when you have got tenants-at-will such as shop-keepers, are they to be forced to stay there for three full years because that will please the landlord? I do not see at all the relevancy of this, and I consider the whole thing to be monstrously unjust, and therefore I must oppose it very strongly."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have fully explained that it is also for the benefit of those tenants who want *bonâ fide* occupation of the house for a fixed period as provided in the Act, but there are tenants and tenants, and if they once enter the house they shall have the right, whether there is agreement or no agreement, to stay there for three years. But if a tenant occupies a house for his own convenience and vacates it after two or three months and keeps out other tenants who would honestly live there for two or three years, then the latter will be put at a disadvantage and my amendment seeks to prevent

this sort of things. If this is monstrously unjust then everything which we propose is monstrously unjust."

The motion was then put and lost.

95. The Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri moved that at the end of clause 10 (*1*) the following be inserted, viz :—

> "But no landlord shall be allowed to take possession for the purposes of his own occupation or for the occupation of any person for whose benefit the premises are held, if the house had never been used for the residence of the landlord".

He said :—

"My Lord, it will be seen that by clause 10 the landlord can take possession of a house if it is required for his own residence. This will be only a threat over the tenants and this threat will result in the enhancement of rent or some sort of agreement with the tenant. If the landlord had bought the house for the purpose of letting it out, what right he has got now to live in that house? He can get a similar house at a standard rent elsewhere. Why should you drive this man from the hospitable roof which you have once given him? Just consider yourself in the position of the tenant. If you were in that position you would not certainly like to be ousted. Because you have got a house you say, 'I want to live there and you must vacate.' Why did you not live there before? In the mufassal, my Lord, the zamindars in our country cannot take away a single cottah, which is one-hundredth part of an acre, from a tenant in a village if the land has been given to him and he has lived there for some time. The Calcutta tenants are now more helpless than the poor agriculturists. They have made it their home and they cannot find out any other place near about where to earn their living. The Calcutta landlords have found that out and are trying to raise the rent simply because they have got nowhere else to go to. If a landlord is allowed to take possession of his own houses if it is required for his residence, what will happen is this. Every landlord will set up a claim before the Controller and ask him to give possession of his house. Perhaps he will be allowed to go and live in the house, but he will occupy, say, one or two rooms and let out the whole house. Who is going to stop it? It is in one way a sort of ejectment and this threat will be quite enough for the landlords to get whatever rent they should like."

The Hon'ble Babu Surendra Nath Ray said :—

"I am sorry I have to oppose this amendment. It seems to me that there is neither sense nor reason in what my hon'ble friend Mr Ashraf Ali has said. If the position for which my hon'ble friend contends be correct, then it comes to this: the tenant practically acquires the right of occupancy which the tiller of the soil can acquire after 12 years. If I require my house for my own purposes, why should I not get it? I think reasons and common-sense are in favour of the law as it has been drafted and passed by the Select Committee. I oppose this amendment."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I beg to oppose this amendment. I would simply say that the introduction of this amendment in the clause of the Bill will operate very harshly both on the landlords and the tenants. If the learned mover reads the clause, he will find that the clause itself is drastic. The clause itself opens with the words 'no order or decree for the recovery of possession of any premises shall be made so long as the tenant pays rent.' Now, therefore, if the landlord desires that he should take possession of any premises for

certain purposes, I do not think that any law can prevent him from doing so. It will be too much if the Act is stretched to that length. It must be remembered that he is the owner of the house, and consequently the tenant, and, I may go so far as to submit, or the State has any authority to control his wishes unless he appears to come within other definitions of the Bill. Therefore it appears to me that this amendment is an extraordinary one. It is an amendment which has been made for no purpose whatever, and it is desirable that this amendment should not be pressed."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, it will probably bring a smile to the lips of the Rai Bahadur when I get up and say that I oppose this amendment, and my reasons for doing so are the following. In the first place, Mr. Ashraf Ali wants to limit the power of possession of the landlord to any house in which he has never lived himself, and then he wants to go further and limit that power in respect of the occupation of the house by any person for whose benefit the premises are held. Well, my Lord, I think that there is no justification for giving such an extraordinary privilege to any tenant or tenants, because if we read the proviso to clause 10 we find that the landlord has got to satisfy the court as to why he wants to take the khas possession of his building. Now take the case of a landlord—probably Mr. Ashraf Ali has not got a large family—who has a big family and who wants to give his grown-up sons houses for occupation. Am I to understand from Mr. Ashraf Ali that because the landlord has never occupied one of these houses he will not be allowed to take possession of such a house? As a matter of fact, when I objected to Raja Hrishikesh Laha's amendment, I ought to have mentioned that to a certain extent the Raja Sahib has got protection under the proviso. If he only reads these words—'for whose benefit the premises are held, or where the landlord can show any cause which may be deemed satisfactory by the court,' he will find that they would cover any member of his family or any near relative. However, to turn to Mr. Ashraf Ali, I do not think there is any justification for keeping the landlord out of the possession of his own property provided he can show *bonâ fide* reasons to the court. Further, he has mentioned a case in which he says that the landlord may get possession of a house and he may live in only one room of that house and let out the remaining portion. Of course, I agree that a wicked landlord may do that, but in that case he would be only ousting a tenant or tenants, but the moment he admits other tenants, as long as this Act continues, they will still derive the benefit of the standard rent and other provisions. Therefore I do not think that any strong case has been made out by Mr. Ashraf Ali to deprive the landlord of getting possession of his house. For that reason I am unable to accept the amendment."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"I would first answer my hon'ble friend Babu Surendra Nath Ray. He seems to think that because it is his house he can do anything he likes with it. But allow me to remind him that you cannot do anything with your own house after this Act is passed. You cannot increase the rent and you know what will be the consequence of doing so. When he knows that the Act is going to be passed, I do not know how he could have said that.

The only ground for which I am pressing is this: that there will be plenty of landlords coming forward who will say that they wanted the house for their own occupation and that will go against what we are trying to stop. I have already explained my grounds when I moved my amendment and it is no use repeating them again."

The motion was then put and lost.

The President ; Mr. A. K. Fazl-ul-Haq.

The President said :—

"Amendment No. 96 is consequential upon 91."

The following motion was then deemed to have been withdrawn :—

96. If motion No. 91 be carried, the Hon'ble Raja Hrishikesh Laha to move that in lines 2 and 3 of clause 10 (*1a*), after the words "for his own occupation" the words "or for the occupation of any member of his family or his employé" be inserted.

97. The Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri moved that in line 4 of clause 10 (*1a*), after the words "are held" the following be inserted, viz :—

"or for the purposes of building and re-building"

He said :—

"My Lord, as the Bill is drafted at present, it will be seen from clause 10(1*a*) that there is no provision for giving the tenant the right of re-entering a house the khas possession of which is taken by the landlord for the purposes of building or rebuilding. The object of my amendment is to give that right to the tenant. This matter was discussed in Select Committee, and my hon'ble friend Mr. P. C. Mitter's argument against it was that if a house was taken for the purpose of building then you would have to get out a plan from the Municipality and that meant a good long time, say six months. If my amendment is accepted, then the tenant will have a right of re-entry after six months and the landlord will not be able to let it out to somebody else. What I wish to lay before the Council is this. A landlord takes the khas possession of a house for the purpose of building, and then he will go on in a dilatory way and perhaps his plan will never come out from the municipal office in another three months. Since in principle we are all agreed that if a house is required for residential purposes and if it is not used for that purpose, the house must go back to the former tenant, I think it is only fair that in respect of houses the khas possession of which is taken by the landlord for the purposes of building or rebuilding, the former tenants should have a right of re-entry.

With these words, I beg to commend the amendment to the acceptance of the Council."

The Hon'ble Mr. A. K. Fazl-ul-Haq said :—

"My Lord, I support this amendment, and I do so on these grounds, that it seems to me that the inclusion of these words makes the circumstances complete, and in accordance with the proviso, that is to say, the circumstances under which the landlord can recover possession of certain premises. The proviso states these circumstances, and as I understand this clause, it is meant to be a protection on behalf of the tenant against any misuse of this proviso. It will prevent the landlord from getting round the provision, and it will work for the benefit of both tenant and landlord. If the landlord is allowed to get back the premises on the ground that he requires the house for his own residence or for any member of his family ; it stands to reason that if he takes possession of the house on the ground of building or rebuilding, the tenant should also have the similar right of re-entry. The only argument that can possibly be advanced against this is what has been referred to by the Hon'ble Mr. Ashraf Ali. I would only add that as regards getting the plan from the Municipal office, the landlord ought to try and get the plan beforehand, and then try to get rid of his tenant. But if this provision is not added, the landlord will try to get round this provision against which there seems to be no remedy. For this reason I think this amendment ought to be accepted."

Mr. P. C. Mitter; Maharajadhiraja Bahadur of Burdwan; Mr. Ashraf Ali Khan Chaudhuri.

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I will first deal with the objection which is more or less in the nature of a drafting objection. If my hon'ble friend's amendment is accepted, and if the nature of the building or rebuilding be such that it can be finished at an early date, finished within six months, then surely, my friend does not mean that the old tenant will go and occupy the building at the same rent after improvement and development. Suppose a second storey be added, and if it is given to a good contractor it can be added within three months' time. If my hon'ble friend's amendment be accepted, the tenant will come and say to the landlord 'well, you have no doubt spent Rs. 20,000 on the house, but you must allow me to live there at the old rent.' It is surely unnecessary to dilate on this. What usually happens is this. Perhaps my hon'ble friends Mr. Ashraf Ali and Mr. Haq are not aware of the fact that so long as you do not pull down a building, you are not allowed to show on your site plan, the exact position on which you want to rebuild, and I hope Mr. Gurner will bear me out in this. The Corporation very rightly insists on it and they have been insisting on it for the last few years. That being so, it takes a little time after one gets possession to demolish the house and then submit the plan. Those who have anything to do with these matters know that architects take some little time to make plans, and if there is anything wrong in the drawing, the chances are that the plan is returned, and that also takes some little time. If you want to have an amendment which my hon'ble friend Mr. Ashraf Ali is anxious to have here, then the landlord will be bound to release his house under the old conditions. That is to say even after demolition and rebuilding he cannot get anything more than the standard rent. I therefore oppose this amendment."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, the Hon'ble Mr. Mitter has very fully explained the difficulties with regard to getting a plan sanctioned by the Corporation, and I may say that this matter was gone into very thoroughly in the Select Committee. The reason that Government did not put in these words was that in the first place Government thought as Mr. Mitter has pointed out, that it would not really benefit the tenant to have to wait a long time for the plan to be sanctioned so that he could get re-entry, for by that time he would have got other places to get into. Secondly, if we were to allow the landlord's demand, of course it would not so much arise in connection with the question of building as of rebuilding—if we were to allow the right of rebuilding it may be quite possible that when the house is rebuilt it may be built in flats, and it may not be for the same class of tenants. Therefore taking everything into consideration, we came to the conclusion that we should not allow the right of re-entry to tenants under this clause. For these reasons I am unable to accept the amendment."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"My Lord, I am constrained to say that the Government have not been able to grasp the import of my meaning. Government are trying hard to protect the interest of the tenant. But in this instance I do not understand why the Government do not see eye to eye with me. There is nothing in this Act to prevent the landlord from applying to the Controller for the purposes of building or rebuilding. He has only to apply in order to get permission. He has not got to show his plans or estimates or anything. Is there anything in this Act to show that if the landlord lets out his house without building or rebuilding to another tenant, the old tenant can come in? If the landlord gets back the house for some other reason, the old tenant of course can come in again. I do not think there is any provision in the Act

Mr. Ashraf Ali Khan Chaudhuri.

nder which a tenant come in again if the landlord has let out his house after aking khas possession of it. The Hon'ble Mr. Mitter has said that it is only drafting mistake. If he accepts the principle of my amendment and thinks at the wording might be improved, is it too much to ask him to suggest a etter wording? I appeal to the Council in the name of the tenants that ome such amendment as the one I have proposed should come in here."

The motion being put, a division was taken with the following esult :—

Ayes—6.

he Hon'ble Babu Sarat Chandra Chakrabutty.
, ,, ,, Mahendra Nath Ray, C.I.E.
, ,, ,, Akhil Chandra Datta.
, ,, Maulvi A. K. Fazl-ul-Haq.
, ,, Mr. Ashraf Ali Khan Chaudhuri.
, ,, Babu Kishori Mohan Chaudhuri.

Noes—29.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
,, ,, Mr. J. G. Cumming, C.S.I., C.I.E.
,, ,, Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
,, ,, Mr. H. L. Stephenson, C.S.I., C.I.E.
,, ,, Mr. W. W. Hornell, C.I.E.
,, ,, Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
,, ,, Mr. S. W. Goode.
,, ,, Khan Bahadur Maulvi Amin-ul-Islam.
,, ,, Major-General W. H. B. Robinson C.B., I.M.S.
,, ,, Mr. F. J. Monahan.
,, ,, Mr. W. H. H. Arden-Wood, C.I.E.
,, ,, Mr. Gurner.
,, ,, Khan Sahib Aman Ali.
,, ,, Mr. L. S. S. O'Malley, C.I.E.
,, ,, Mr. M. C. McAlpin.
,, ,, Mr. A. Marr.
,, ,, Mr. F. A. A. Cowley, C.I.E.
,, ,, Mr. G. N. Roy.
,, ,, Mr. R. M. Watson Smyth.
,, ,, Babu Sib Narayan Mukharji.
,, ,, ,, Surendra Nath Ray.
,, ,, Sir Nilratan Sarkar, KT.
,, ,, Raja Hrishikesh Laha, C.I.E.
,, ,, Kumar Shib Shekhareswar Ray.
,, ,, Babu Brojendra Kishore Ray Chaudhuri.
,, ,, Mr. P. C. Mitter, C.I.E.
,, ,, Rai Debender Chunder Ghose Bahadur.
,, ,, Rai Radha Charan Pal Bahadur.
,, ,, Rai Mahendra Chandra Mitra Bahadur.

The following member abstained from voting :—

The Hon'ble Mr. W. H. Phelps.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
,, ,, Mr. Altaf Ali.
,, ,, Rai Sri Nath Ray Bahadur.
,, ,, Babu Bhabendra Chandra Ray.
,, ,, Mr. Aminur Rahman.
,, ,, Mr. Hindley.
,, ,, Mr. Arun Chandra Singha.
,, ,, Dr. Abdulla-al Mamun Suhrawardy.
,, ,, Maulvi Abul Kasem.
,, ,, Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
,, ,, Sir Deba Prasad Sarbadhikari, KT., C.I.E.
,, ,, Sir Rajendra Nath Mookerjee, K.C.I.E.
,, ,, Mr. G. A. Bayley.
,, ,, Mr. W. L. Travers.
,, ,, Mr. Cathcart.
,, ,, Mr. Pickford.

The *Ayes* being *6* and the *Noes 29*, the motion was lost.

Maharajadhiraja Bahadur of Burdwan; Mr. Ashraf Ali Khan Chaudhur Maulvi A. K. Fazl-ul-Haq.

98. The Hon'ble Rai Radha Charan Pal Bahadur moved that at end of clause 10 (*1a*), the following be inserted, viz:—

" provided he agrees to occupy and pay rent for the rest of the pe of the continuance of this Act, and, if he leaves earlie indemnify the landlord against all losses and costs as ma determined by the Controller ".

He said :—

" My Lord, I may point out that here in this clause the tenant is giver right of re-entry. We have agreed to that. But it may so happen that tenant takes a house for two months and then wants to continue for s time longer. I think that in the interest of a large body of *bonâ fide* ten this proviso should be inserted. I do not know whether this amendment be accepted. I may point out however that this amendment is not for increase of rent or for possession by landlord. This is intended for a clas people who might want the house for a long period."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

" My Lord, this is practically the same as amendment 94 which I oppo and I have nothing further to add. I oppose this amendment too for the s reason."

The motion was then put and lost.

99. The Hon'ble Babu Kishori Mohan Chaudhuri moved that a clause 10 (*1a*), the following be added, viz :—

" (*1b*) Wherever the landlord recovers possession on the ground the premises are required for building or re-building, tenant shall have a right of re-entry if the premises are le any other tenant within six months from the date of reco of possession without the addition of any substantial build or without substantial re-building, as the case may be "

He said :—

" My Lord, it is not necessary to say much. The discussion on ame ment No. 97 shows that this addition is necessary. Of course, re-entr provided under another clause, but there is nothing here. The wordin my amendment will, I am sure, meet the Hon'ble Mr. Mitter's objection. is not enough to say that the landlord will not charge more than the stan rent. He should also have his right of re-entry if there has been no a tion or alteration in the building within six months."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

" My Lord, I am glad that the Hon'ble Babu Kishori Mohan Chaud has moved this amendment. This will meet the drafting objection for wh I think, my amendment was not accepted. Now that that defect has l removed by this amendment, I hope it will be accepted. Otherwise, let warn the Council once more that if once the house is taken into the k possession of the landlord, he will let it out to another tenant and the tenant will not have his right of re-entry. If this is not accepted this will hardly have the effect intended for it."

The Hon'ble Maulvi A. K. Fazl-ul-Haq said :—

" My Lord, I need scarcely say that I heartily support this amendm I listened very attentively to the reply given by the Hon'ble Member ch rge to the Hon'ble Mr. Ashraf Ali's amendment and I confess th failed to be convinced by his reasoning. Briefly stated, the landlord get possession of certain premises on the ground that he requires it for

own use or for the use of some other members of his family or for the purposes of building or rebuilding. Even at the risk of repeating the question that was put by the Hon'ble Mr. Ashraf Ali, I would ask the Hon'ble Member to enlighten the Council on the point; what provision is there in the Bill to meet the case when a landlord with a view fraudulently to get possession of the premises orders a tenant to get out of his house on the plea of building or rebuilding. It may be asked why should the landlord do so? He may do it for fraudulent purpose. When the old tenant goes out, a new tenant will come in who will of course pay the standard rent *plus* certain underhand demands which no enactment in the world can put a stop to. And if the landlord can successfully do it twice in the course of a year, he will go on doing it and take mysterious payments as *salamis* or premiums. I repeat, therefore, my Lord, that if a provision of this character is not made in the Bill it will render the Act itself nugatory. It will stultify the very provisions which have been enacted in this Bill. The landlord has only got to go to the tenant and say "get out of the house" and the tenant has got to go. And once he goes out, the landlord can defy all the other provisions of the law. I want the Hon'ble Member in charge to tell us what provisions are there in the Bill against any subterfuges of this character. If there are no such safeguards, it is no use telling us that there is this difficulty and that difficulty. In that case, let us have no Act at all. Let us give it up. Why have an Act which certainly cannot protect the tenant at least to the extent that we wish him to be. Is it going to be the proverbial *Delhi ka laddu?* I therefore most respectfully submit that it seems to me that there is a loophole in the Bill for the landlord to get round the Act. If the drafting is unsatisfactory, if the suggestion made is unacceptable, then let the Government consider the point. But because no satisfactory amendment was sent up in time or because the amendment drafted by a certain member does not come up to the standard, that is certainly no excuse for not accepting an indispensable amendment. I do not wish to say anything more, but I strongly support the amendment."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, the Hon'ble Maulvi Fazl-ul-Haq has spoken with a certain amount of heat, if I may say so, on this amendment. He thinks or suspects that the Government are in league with the landlord against the tenant over this clause. Nothing can be further from this. What the Government think is this: on the amendment moved by the Hon'ble Mr. Ashraf Ali, I explained the difficulties of fixing any time for the landlord to get a sanction and approval of plans from the Corporation, and that therefore the question of re-entry from that point of view was neither possible for the landlord nor entirely beneficial from the tenant's point of view, because he is not going to stay away for 6 or 8 months, and then be allowed the right of re-entry. Then I took up the other question, viz., under what circumstances is the landlord going to get this power of khas possession or re-entry into his property. I think it will do no good my repeating the other arguments which I adduced, when on behalf of Government, I was unable to accept Mr. Ashraf Ali's amendment. All I need say at this stage is this: if you look at clause 10 you will find that ordinarily no landlord is going to oust his tenant; therefore clause 10(*1*) is certainly in favour of the tenant. Then we come to certain objects for which the Court, if it is satisfied, can allow the landlord to take possession, and one of those objects is that if the landlord requires his property or premises for a *bonâ fide* purpose of re-building or building. Now, my Lord, the reasons that the Government did not bring any amendment forward as the Hon'ble Mr. Fazl-ul-Haq suggested that Government should have brought forward was for the simple reason that the Government thought that there was no loophole. Government do not think there is any loophole; Government believe in the Court; Government think that

the Court is not going to allow re-entry unless the Court is satisfied that the landlord requires the premises *bonâ fide* for the purpose of building or rebuilding. For these reasons I do not see my way to accept this amendment."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I am sorry to see myself opposed. We have not heard anything from the landlord's point of view on this The question is whether it will be possible for the landlord to dislodge his tenant simply by declaring that he wants the house for re-building. If the landlord makes an affidavit, if he gets a builder to depose in his favour, he would get it. But once he gets the house, he will be able to use it in any way he likes. The Hon'ble Member in charge has said that tenants will not certainly wait for six months. But in certain cases they may have to do it. And in such cases tenants have no right of re-entry. Why should the landlord be allowed to let it out to another person? I only want protection in such emergency cases. There is nothing in the Act to guard against the landlord's letting the house to another person."

The President (on finding the Hon'ble Mr. Ashraf Ali prompting the speaker) said :—

"I really cannot allow the Hon'ble Mr. Ashraf Ali to make a second speech through the mouth of the Hon'ble Babu Kishori Mohan Chaudhuri."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"I beg your pardon, my Lord."

The Hon'ble Babu Kishori Mohan Chaudhuri continuing said :—

"We want a special protection under this clause. In that view of the case, I again appeal to Your Excellency's Government to grant the tenants this special protection by which the landlord also loses nothing."

The motion being put, a division was taken with the following result :—

Ayes—8.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur.
" " Sir Nilratan Sarkar, KT.
" " Babu Kishori Mohan Chaudhuri
" " Mr. Ashraf Ali Khan Chaudhuri.
" " Babu Mahendra Nath Ray, C.I.E.
" " " Akhil Chandra Datta.
" " Maulvi A. K. Fazl-ul-Haq.
" " Khan Sahib Aman Ali.

Noes—26.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amin-ul-Islam.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Gurner.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. W. H. Phelps.
" " Mr. R. M. Watson Smyth.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " Raja Hrishikesh Laha, C.I.E.
" " Babu Sib Narayan Mukharji.

Rai Radha Charan Pal Bahadur; Maharajadhiraja Bahadur of Burdwan; Rai Debender Chunder Ghose Bahadur.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Mr. Ammur Rahman.
" " Mr. Hindley.
" " Mr. Arun Chandra Singha.
" " Dr. Abdulla-al Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Babu Sarat Chandra Chakrabutty.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Deba Prasad Sarvadhikari, Kt., C.I.E.
" " Sir Rajendra Nath Mookherjee, K.C.I.E.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Cathcart.
" " Mr. Pickford.
" " Mr. P. C. Mitter, C.I.E.

The *Ayes* being 8, and the *Noes* 26, the motion was lost.

(The Council here adjourned for lunch.)

The Council reassembled after lunch.

100. The Hon'ble Rai Radha Charan Pal Bahadur moved that for the word "willing" in line 6 of clause 10 (2), the word "continues" be substituted.

He said :—

"My Lord, the provision in clause 10 (2), which allows a tenant whose lease has expired, to stay on if he is ready and willing to pay rent is a good provision, but I think the words 'ready' and 'willing' are rather vague. In the English Act we find that instead of the word 'willing' the word 'continues' is used. I therefore suggest that the English wording be used."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I am advised that the word 'willing,' as it stands, is better, and the word 'continues' is unnecessary and may also lead to anything. I am, therefore, unable to accept the amendment."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I expected that the Hon'ble Member in charge would give some reasons as to why the tenant should willingly pay rent as he has been paying it, and I thought that the amendment proposed by the Hon'ble Rai Radha Charan Pal Bahadur would commend to his judgment, but instead of that he has favoured us with the observation that he has been advised that Rai Radha Charan Pal Bahadur's amendment is undesirable. It is merely wasting the time of the Council if we do not get answers with reasons as to why any proposal that we may put forward should not be accepted, and I think it would have been wiser on our part to drop this business."

Rai Radha Charan Pal Bahadur ; Mr. O'Malley ; Maharajadhiraja Bahadur of Burdwan ; Maulvi A. K. Fazl-ul-Haq ; Mr. G. N. Roy.

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I find in the English Act the word 'continues', but if the Hon'ble Member in charge is advised that the present wording is better than the wording in the English Act I have nothing to say."

The Hon'ble Mr. O'Malley said :—

"My Lord, as regards the meaning of these words to which reference has been made by the Hon'ble Rai Radha Charan Pal Bahadur I may mention that the word 'willing' is intended to cover cases in which the leases have expired ; and in any case sub-clause (*4*) provides that in every case the tenant shall continue to pay month by month the rent to the full extent allowable by the Act. On account of this provision the present amendment is unnecessary."

The motion was then put and lost.

101. The Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of clause 10 (*2*), the following be inserted, viz. :—

> "and otherwise observes and performs the terms and conditions of the tenancy and complies with the requirements of the proviso to sub-section (*1*) of section 10 ".

He said :—

"This also follows the wording of the English Act and in order to avoid any ambiguity on the subject I have suggested the addition of the words for tenants whose leases have expired."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, here again the reason for which I oppose this amendment is that it is unnecessary, as it is already covered by clause 10 (*1*), and for that reason we do not think it is necessary to repeat it in sub-clause 10(*2*)."

The motion was then put and lost.

102. The Hon'ble Maulvi A. K. Fazl-ul-Haq moved that after the word "premises" in line 5 of clause 10 (*4*), the words "up to the date of payment" be inserted.

He said :—

"My Lord, this amendment is more for the benefit of the landlord than the tenant. I think, my Lord, it is fair to the landlord that in those cases in which he is compelled to sue his tenant the tenant should be compelled to make payments in full up-to-date so that the landlord may not be obliged to go to Court for any outstanding dues. I submit this amendment for the consideration of the Hon'ble Member in charge.

The Hon'ble Mr. G. N. Roy said :—

"My Lord, the amendment seems to be unnecessary. The Act provides that the tenant is to pay up all arrears of rent due by him and the proposed amendment will only make the provision more rigid for the tenant. Suppose he is a monthly tenant and he pays up arrears, say, on the 10th June. He will deposit under this provision rent up to the end of May. Under the amendment he will have to deposit 10 days' rent of June as well. Surely this is not what the Hon'ble Member means. All arrears as mentioned in this section is good enough for all practical purposes, and it gives a chance to the

tenant to deposit rent within a reasonable period. I, therefore, oppose the amendment on behalf of Government."

The Hon'ble Maulvi Fazl-ul-Haq said :—

"My Lord, I do not press the amendment."

The motion was then, by leave of the President, withdrawn.

103. The Hon'ble Rai Radha Charan Pal Bahadur moved that for the words "month by month" in lines 5 and 6 of clause 10 (*4*) the following be substituted, viz:—

"in the first week of each succeeding month for which the rent will be due".

He said :—

"My Lord, as I have already said, there are poor house-owners who live upon the income of their small holdings month by month. As I understand that payment may be made on the 30th of the next month, the owners of these small houses, who live upon the income of their houses, will experience great difficulty in making both ends meet. There is a large number of such small proprietors and it seems to me reasonable to ask the tenants to pay up their rents within the first week of the next month."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I may have something to say with regard to the next amendment to be moved by Babu Kishori Mohan Chaudhuri, but with regard to this amendment I am sorry I am unable to accept it, as I think that payment within the first week of each succeeding month might mean some hardship to the tenant."

The motion was then put and lost.

104. The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the last two lines of clause 10 (*4*), the following be substituted, viz:

"the said premises, and also unless he pays rent due by him to the full extent allowable by this Act within the time limited by the terms of his contract with his landlord or, in the absence of any such contract, within the 15th day of the month next following that for which rent is payable".

He said :—

"My Lord, this amendment is a compromise between the two views. I think a fortnight's time would be convenient to payers as well as to the payees and up to the 15th day of the month next following that for which the rent is payable time may be allowed. In this view I suggest my amendment for the acceptance of the Council."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I am willing to accept this amendment with certain modifications. If the hon'ble mover would accept the following wording I would be willing to accept it on behalf of Government :—'the said premises, and also unless he pays the rent due by him to the full extent allowable by this Act within the time fixed in the contract with his landlord or, in the absence of any such contract, by the 15th day of the month next following that for which the rent is payable."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I accept the modification."

The motion was then put in the following form and agreed to :—

"That for the last two lines of clause 10 (*4*), the following be substitute viz :—

"The said premises, and also unless he pays the rent due by him to tl full extent allowable by this Act within the time fixed in the contract wit his landlord or, in the absence of any such contract, by the 15th day of tl month next following that for which the rent is payable."

105. The Hon'ble Maulvi A. K. Fazl-ul-Haq moved that after clau 10 (*4*) the following be added, viz:—

"(*5*) Where the landlord satisfies the Controller that a tenant a habitual defaulter, or for any sufficient cause, the landlord may apply the Controller for a certificate that the tenant has rendered himself liab to summary ejectment.

(*6*) The landlord may then, without prejudice to any other remedi open to him, bring a suit, in the Court where such a suit would ordinarily li for the ejectment of the tenant after having filed the certificate of tl Controller mentioned in sub-section (*5*) along with the plaint.

(*7*) The Court may suspend passing a decree for ejectment, if the tena deposits in Court, for payment to the landlord, an amount not exceedin six months' rent ".

He said :—

"My Lord, the amendment I beg to move now is for the benefit of tl landlord and is directed against that class of tenants who cause a good de of inconvenience to landlords by becoming habitual defaulters. I will mak a frank confession that this amendment has been suggested by a matter personal inconvenience. I have a tenant who has been giving me a lot trouble. I thought that a provision of this character should be made in tl Bill to guard against the inconvenience felt by landlords on account of tenant who are habitual defaulters. I submit this amendment without any comme for the consideration of this Council."

The Hon'ble Mr. G. N. Roy said :—

"My Lord, it is not clear whether the amendment moved by the Hon'bl Maulvi Fazl-ul-Haq is to benefit the landlord or the tenant. As a matter fact, this amendment is really unnecessary because we have a provision alread in the Bill. The Hon'ble Member seems to be under a misconceptio the Controller is a Controller of rents and his principal duty is to ascertai the standard rent. Whether a tenant should be summarily ejected or nc must be determined by the court and not the Controller. We have it alread in the Bill that the tenant will not get the benefit of section 10 unless he pay the rent month by month and that section gives a discretion to the Court t allow the landlord recovery of possession where he can show any cause whic may be deemed satisfactory by the Court. The amendment sets up th Controller as an intermediary between the landlord and the Court, and th procedure will be more cumbrous. The Act provides a simple procedur On this ground I oppose the amendment."

The Hon'ble Maulvi Fazl-ul-Haq said :—

"My Lord, I beg leave to withdraw the amendment."

The motion was then, by leave of the President, withdrawn.

Babu S. N. Ray.

The following motions were, by leave of the President, withdrawn.

106. The Hon'ble Rai Radha Charan Pal Bahadur to move that at the end of clause 10 (*4*), the following be added, viz :—

" (*5*) No sub-tenant shall be entitled to the benefit of this section unless the sub-lease was in conformity with the terms of the lease and has been recognised by the landlord ".

107. The Hon'ble Babu Surendra Nath Ray to move that after clause 10 the following be inserted, viz :—

" **10A.** The Controller may on application made to him by the landlord or by any other person wanting accommodation in Calcutta require any tenant to vacate any premises or part of a premises on the ground that such premises or part of the premises are not essentially necessary for his requirements and on non-compliance on the part of the tenant, may eject him on the expiry of one month from the date when a notice has been served in writing on him: Control accomm

Provided also that in requiring a tenant to vacate any premises or part of any premises the Controller shall take due account of the social usage and custom of the class to which the tenant belongs:

Provided also that in the case of any other person than the landlord such procedure shall be adopted only when one month's proportionate share of rent has been deposited:

The Controller shall determine the amount of rent to be paid for each share ".

New Clause 10B.

108. The Hon'ble Babu Surendra Nath Ray moved that after clause 10 the following be inserted, viz:— Persons be eject the Lan Acquisi etc.

" **10B.** No person shall during the continuance of this Act be ejected from any premises which may have been or shall be required under the provisions of the Land Acquisition Act, 1894, or the Calcutta Improvement Act, 1911, or the Calcutta Municipal Act, 1899, and which is not actually necessary for the purposes of the improvement unless an equivalent accommodation has been provided for him ".

He said :—

" My Lord, as I have already said on a previous motion the Bill being an emergency measure, must be treated as such and it is our bounden duty to see that for the temporary period for which the Bill is intended to be in force the evil is not accentuated. The Report of the Rent Commission appointed by Government has clearly demonstrated the fact that much of the present evil is due to the action of the Improvement Trust first in not making any proper scheme for the population they have displaced and, secondly, generally increased land values by selling surplus land at an enormous profit. We are now told that the Improvement Trust is now going to make some scheme of the kind and that for that purpose they are going to acquire lands at Maniktolla and Cossipore-Chitpur. We heard before of some housing schemes undertaken by the Improvement Trust and understand that some years ago they actually built some houses in the Maniktolla quarter of the town to house the *bustee* people and the poor middle class. It is a fact, however, that they have not been successful and certainly the accommodation was quite inadequate for the *present* requirements of the city. I am not sure when the housing schemes of the Improvement Trust will take shape or what shape it will take,

but it is evident that people will be displaced from their homes not only by the housing schemes but also by the general operation of the Trust for the Improvement of Calcutta. The present amendment is intended as a measure to safeguard, in however small a degree as possible, against the accentuation of the evil. It will not prevent the Trust from proceeding with any legitimate and desirable project or even to acquire, on the guise of that purpose, surplus lands to sell at a profit, but simply requires the Trust to make proper accommodation for the people displaced—an obligation which the Trust has so far failed to comply.

As regards the extension of that principle to the cases of compulsory expropriation of other kinds under the Land Acquisition Act or the Calcutta Municipal Act it may be pointed out that it is undesirable, in view of the present state of affairs, to compel people to vacate their houses when they have no place to go to."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"My Lord, I support this amendment. The Improvement Trust is one of the culprits for whose action this Rent Act is being passed. The Trust takes more land than is required for opening out a new road and after the street is completed disposes of the surplus land on both sides of the road at a great profit. Take, for instance, the Central Avenue. Here the Improvement Trust without providing any place beforehand for the accommodation of the occupants of the houses which have been acquired turned the tenants out of their houses. It was also pointed out in the public press that it would have been better for the people of Calcutta if the Improvement Trust had opened out roads in the suburbs and improved the sanitary conditions there before they took up the work of opening out new roads in the heart of the city and of demolishing houses without providing for new houses elsewhere. For this reason I support this amendment."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I have great pleasure in supporting this amendment for the reasons which have been adduced by the hon'ble mover and by the preceding speaker."

The Hon'ble Maulvi Fazl-ul-Haq said :—

"My Lord, I also support this amendment. Whether the Improvement Trust is or is not one of the culprits for whose delinquency this Act is rendered necessary, there is a good deal of truth in the argument that the operations of the Trust have been conducted in such a manner that accommodation in Calcutta has become very insufficient and has rendered among other causes a considerable rise in rent. I realise that the practical effect of the acceptance of this amendment will be that the operation of the Trust will have to be postponed for the period this Act is in force. That perhaps is a possible difficulty, but I think some way could be found out of the difficulty by providing accommodation for such persons as may be ejected by the operations of the Trust. Government ought to find out some scheme for helping people in securing suitable accommodation. I can see the difficulty, but I should think that the difficulty is not of an unsurmountable character, at any rate it is only fair till normal conditions are restored that there should not be any further disturbance of the conditions that are prevailing in the city either by the operations of the Land Acquisition Act or the Calcutta Improvement Act. For these reasons I support the amendment."

Rai Mahendra Chandra Mitra Bahadur ; Mr. Phelps ; Mr. Goode.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I beg to support this amendment. It needs discussion so far as the provisions of the Land Acquisition Act of 1894 go. Authorities have a right to acquire lands under this Act or other cognate Acts, but there is no doubt that the present state of things, according to the opinion of many, is due to the acquisition of land by the Improvement Trust and the obvious result is the increase of rent in Calcutta. Now if Government enact a law like the Rent Law of Calcutta, it is necessary that further steps should be taken to prohibit the continuation of further increase of rent. Now if the fact be that the Improvement Trust is responsible to a certain extent for this state of things, is it good argument to say that the Improvement Trust will be allowed to continue to acquire further lands? That demands a consideration of Government because we do not wish to have a similar Act hereafter for the purpose of restricting the rent.

Let us take another aspect of the question. If the Land Acquisition authorities are allowed to acquire lands the obvious result would be that many people will have to vacate their houses and lands, and what will be the state of things? That is the same state of things of which we are now complaining will come back again ; therefore this amendment demands the serious consideration of Government. Maulvi Fazl-ul-Haq has brought to your notice that it will be a check to the Improvement Trust to acquire further lands. Probably that would be the result, but if the Rent Act is passed Government should take steps to improve house accommodation in Calcutta, for that is the chief reason for the rise in rent, and then go on with the work of the Trust. I, therefore, have great pleasure in supporting this amendment."

The Hon'ble Mr. Phelps said :—

"My Lord, I welcome the opportunity of defending the Improvement Trust. I am a whole-hearted admirer of the Improvement Trust and of what they have done in Calcutta. This amendment seems to me to rouse an old hornet's nest quite unnecessarily. I am myself one of the critics of the Improvement Trust, but I am not an enemy of the Improvement Trust, and it affords me much pleasure to defend the Trust on this occasion. My reason for criticising the Improvement Trust as regards the rent, as mentioned in the Rent Committee, was that the Improvement Trust was too indiscriminate in the public auctioning of lands that came in their possession without imposing upon the purchaser any necessity of building a house on that land, and by so doing they set an example of raising the land values in Calcutta. In that particular respect the Improvement Trust did considerable damage to the interest of Calcutta, but that is a mere side issue which does not affect the general policy of the Act under which the Improvement Trust goes to work. That is merely a side issue and because I suggested this criticism in the Rents Committee, I got attached to myself a considerable degree of odium which was quite unearned and unnecessary, but this hornet's nest that has been raised by this amendment is very dangerous to the interest of the Improvement Trust but advantageous to the tenants of Calcutta. I think if the amendment were carried it would impede the legitimate work of the Improvement Trust and for that reason I oppose it."

The Hon'ble Mr. Goode said :—

"My Lord, the Hon'ble Mr. Phelps in mentioning the activities of the Improvement Trust has rightly said that the amendment which is now before the house attempts to raise in a new form the old antagonism to the work of this body which many of us had thought was long since dead. I think many of the Members of this Council will agree that the enmity and

suspicion with which the work of the Trust was originally regarded, have now largely subsided so far as the ordinary rate-payer in Calcutta is concerned. I think it is now fairly generally agreed that the ordinary citizen of Calcutta regards the operations of the Trust as beneficial not merely to the wealthier inhabitants of the city but also to those poorer citizens whose living conditions are so deplorable. I suggest therefore that it was unfortunate that, by what the Hon'ble Mr. Phelps termed a side issue, this House should attempt to hold up and stay the beneficent work of that body. The Improvement Trust, as we all know, has been charged on many occasions with having provided inadequately for the re-housing of Calcutta. We all know also that at the present moment the Improvement Trust is engaged in working out some large re-housing schemes. I suggest that it would be a disaster of the first order if this House by its vote on this clause of the Bill should attempt to check and stay that most important work, and I trust that the good sense of the members of this Chamber will restrain them from giving countenance to an attempt to modify earlier legislation of this Chamber in an offhand way. I may say, my Lord, that the Government of Bengal—and this fact is well-known to the House—is at present engaged in amending the Calcutta Improvement Act. A Bill has already been drafted, and it is not before the Council at the present moment because I understand Government has decided to make further inquiries into the question of re-housing. Government feels that the Act, as at present in force, does not deal sufficiently fully with this important problem. There have been important developments at Home in the matter of re-housing, and the Local Government here is anxious to avail itself of the experience which we can obtain from abroad and also, I understand, from Bombay. In view of these facts, it would be doubly unfortunate if now you should attempt to hold up the work of the Trust by restricting and restraining its operations for the duration of the present Bill. I do not think it can be urged with any force that the Improvement Trust is likely to show any want of humanity or consideration in dealing with persons whom its operations have evicted. Therefore, my Lord, so far as the substance of the amendment goes, Government is compelled to offer the strongest opposition to it.

I may also criticize its form. It may be observed that the amendment proposes that the Trust shall not acquire lands which are not actually necessary for the purposes of any improvement. My Lord, every one in this Chamber is well acquainted with the legal quibble which arose out of the drafting of the Calcutta Improvement Act. They are aware that the interpretation of somewhat similar words in the Act has been the subject of reference to the Privy Council. I submit that the words 'actually necessary for the purposes of the improvement' are hopelessly wide and vague, and it would be quite impossible for this House, even if it were prepared to accept the substance of this amendment, to accept its present form. The amendment does not even suggest who is to be the arbiter of the degree of necessity under which any premises may be required. Not only is the Calcutta Improvement Trust concerned in this matter but the Calcutta Corporation also, which has at present a very large and ambitious programme of improvements. As many members of this Chamber are aware, the work of the Calcutta Corporation has been considerably hampered during the past four years owing to the urgent need for economy. But the Corporation has, at the present moment, launched out on a very wide and ambitious programme of improvements. Is it suggested that these beneficent activities of the Corporation should be delayed and very largely checked for providing accommodation for the few persons who are likely to be affected by their schemes?

I suggest, my Lord, that the means are entirely out of proportion to the end or object which it is sought to attain. I will, therefore, mainly on the ground of substance, oppose this amendment because to me it appears

that this proposal to stay the work not merely of the Calcutta Corporation or the Improvement Trust, but also any original schemes which the Government may desire to undertake in Calcutta, will not commend itself to the good sense of this House since the object which it seeks to achieve is entirely disproportionate to the dislocation of work and the harmful results which will ensue. As regards the form of the proposed amendment, it could not possibly be accepted. I would merely urge members not to be misled by plausible arguments which have been put before them, but to judge this matter on its broader issues, and to decide that it would be quite unreasonable and most unwise to hold up the work of these great bodies merely to provide accommodation for a few persons, whom their work is likely to dispossess."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have closely followed the debate on this important question. In the first place I may say that the Improvement Trust has done a considerable amount of work which has contributed to the health and sanitation of the city, and notwithstanding all the hardships that the people have had to bear, the main outcome of all the improvement schemes that have been carried out is that the town is much healthier than it was before, that congestion has to a large extent in these places, where improvement has been carried out, been minimised. But at the same time I speak with a perfectly impartial mind, though I am a member of the Trust, and a critic of the Trust, yet I must say that although it has done beneficent work, it has to a considerable extent, as has been observed by another impartial body, the Rent Committee, contributed to the present state of the city, that is to say, the present want of houses in Calcutta. My Lord, what I find is this: that we have carried out schemes regardless of any thought how to replace the displaced population. My hon'ble friend, Mr. Phelps, to whose speech I have listened and have made some notes, paid the Improvement Trust some compliments on their work, and injudicially complimented them also for having raised the value of land to an extravagant extent. What has happened is this: take the Surtibagan area, scheme No. 1. This is an area between Harrison Road and Colootolla Street. It was a congested area, undoubtedly deserving improvement, and it was badly in need of it for the health of the locality. It was full of small dwelling-houses. Now all these houses have been swept away by the Trust, with no thought of re-housing all the poor people who lived there. No doubt this is a fair area now with broad streets, roads 60 to 80 feet wide; it is a picture now; but the price of land round about there has gone up owing to the speculation of the Delhiwallahs, and the Marwaris and the poor middle class people have been absolutely swept out of Calcutta. This scheme was completed about 6 or 7 years ago. These poor people have been driven out and their difficulties are further aggravated by the fact that our community is so conservative that they will not go to any other locality like Tollygunge, or Bhowanipore or Chitpore where land is cheaper; they must live in the quarter where their other relations lived, and that is owing to the peculiar social customs of our country."

The Hon'ble Mr. Phelps said :—

"I rise to a point of order, Sir. In my opinion the speaker has travelled beyond the point of the amendment."

The President said :—

"No, I do not think so; the hon'ble member is explaining how the operations of the Improvement Trust deprived men of their dwelling-houses. That seems to me to be quite relevant to the argument, although there is

no necessity to embroider more than necessary in order to press home the argument."

The Hon'ble Rai Radha Charan Pal Bahadur, continuing, said :—

"I have been studiously brief to-day and unfortunately this speech was interrupted. As I have said, these are the difficulties. Similarly, take other schemes. Scheme No. 7 displaced a large number of people, and this has contributed considerably to the present situation to-day, and until very recently there has not been any attempt to take up scheme for reinstating these people first before dispossessing them. I may tell you very frankly and candidly that wherever there were small holdings it was said by the head of the Trust, 'Let them go somewhere, we will acquire those plots'. The Trust get them for Rs. 1,500 or 2,000 a cottah, and then rich people come along and they pay Rs. 15,000 to Rs. 20,000 a cottah for those lands. I submit that the proposed amendment would not in any way restrict the operations of the Trust; all that it proposes to do is that unless equivalent accommodation is provided people should not be dislodged from their holdings. We are doing that now. All my hon'ble friend suggests is that the Trust and the Corporation should not acquire areas outside their immediate improvement schemes. I do not think that in any way will hamper the operations of the Trust. Let the roads only be made and no surplus land be acquired until accommodation is available for the displaced people. I do not think there will be any practical difficulty, and therefore I cannot see what objection there is to accepting this proposal. Which is a greater evil, to make people roofless and homeless or delay the execution of a scheme for two or three years? I think the former is the greater evil."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I am one of those who think that the Improvement Trust has done very useful work for which the future residents of Calcutta ought to be thankful to that body, and although I hold that view, I am not blind to the limitations and the defects of the Calcutta Improvement Act. I think, my Lord, especially after our experience of the working of the Calcutta Improvement Act, that that Act is capable of a good deal of improvement. My Lord, the method of recoupment as provided for in that Act is this, that if a particular area is needed for a road, say 50 or 100 feet wide or whatever it may be, the Act empowers the Trust to acquire the surplus land on either side of the road for purposes of recoupment. I quite appreciate the importance of getting additional revenue, but I venture to assert with a good deal of confidence that it is a very wasteful method of getting the necessary revenue. Any one who has any knowledge of the working of scheme No. 5 the area between Elgin Road on the north, Hazra Road on the south, Russa Road on the west, Lansdowne Road on the east will appreciate my point. Take the Russa Road scheme, what has the Improvement Trust done? It has acquired a certain necessary area within the road line, but in order to provide the necessary funds it has acquired further land beyond the road line with the result that properties on the east side of Russa Road have reaped all the benefits of the improvement, but have not contributed a single pice towards the improvement, while properties on the west side have had to pay the bill. Now, my Lord, under scheme 5, perhaps 75 per cent. have been dehoused, while, roughly speaking, perhaps only 20 per cent need have been dehoused for the purposes of the road. I fully appreciate the necessity for providing revenue. I suggest that in the coming amendment of the Improvement Act, I hope Your Excellency's Government will soon take it up—that a much more equitable and more fair . . . . . ."

The President said :—

"The Hon'ble Member is now getting quite beyond the scope of the amendment. I cannot allow him to deal with the future amendment of the Calcutta Improvement Act when discussing this Bill."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, under the Act as it stands, I submit the methods are wasteful, and although I cannot develop my ideas on that point, but what I do submit is that, pending the amendment of the Improvement Act, if this motion can be accepted in this limited form, the work of the Trust will not be held up. I would ask the hon'ble mover of this amendment whether it would not be proper to limit his amendment to the operations of the Improvement Trust only because after all it is that body which is mainly responsible for the dehousing of the people. I quite agree with the Hon'ble Mr. Goode as regards the necessity for proceeding with improvement schemes and also as to the undesirability of restricting the works of public bodies. I would suggest some such words as 'within the actual road line.' In that way perhaps the work of the Trust could be carried on and not held up. The question of finance is all-important so far as the improvement work of the Trust is concerned. But we know that the Trust made a good deal of money last year when speculation on land was going on—more than it expected. So its finances are quite sound at present. Perhaps if the amendment is modified in the form I have suggested, that is restricting it to the operations of the Improvement Trust only, I hope Government will find its way to accept it."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, after hearing the speech of my hon'ble friend, Babu Surendra Nath Ray, on this amendment, I was inclined to think that the acceptance of this amendment by the Council would be to hold up the work of the Improvement Trust and the Calcutta Corporation and also the acquisitions by Government for their own purpose and that it would be impolitic to force this amendment on the Council and that I should not be a party to supporting my hon'ble friend's amendment. But after hearing the speech of the Hon'ble Mr. Goode, I recollect that the proposed amendment of the Improvement Trust Act of 1911 has been in contemplation for several years—at least I have been hearing of it for the last four years. The war could not possibly have been a reason for not proceeding with this legislation. Therefore if there be anything which would hasten that legislation, *i.e.*, the amendment of the Improvement Trust Act, I would support such a movement. If the result of the acceptance of my hon'ble friend's amendment leads to that, I think I ought to support it. I may be permitted to mention that the work of the Improvement Trust has not been an unmitigated blessing to all parts of the town. It has done great good, but it has also done great evil—the evil which could be avoided if the Improvement Trust Act could be worked properly. The members of the Board resent criticisms and they believe that what they think right must be right and outside opinion has no value in their eyes. As I have said, the Calcutta Improvement Trust has been the chief cause for the misery of which those who call themselves tenants, complain, and the logical conclusion of the principle which has been guiding Government in enacting the Calcutta Rent Bill is that which has been suggested by my hon'ble friend, Babu Surendra Nath Ray, that it stops all works of the Improvement Trust and the Calcutta Corporation. But my friend forgets that the Calcutta Corporation has to pay 15 per cent. upon the market value of the property acquired, whereas the Improvement Trust is relieved of that necessity. As regards the inconvenience which a man feels

if he has to vacate his place of residence or business on account of the acquisition by Government that is compensated to some extent by the 15 per cent. statutory allowance paid to him ordinarily, but the Improvement Trust is under no necessity to pay it for any acquisition, and the Trust is free of that obligation. Therefore the Corporation stands on a different footing, and, as it has already been pointed out, the Calcutta Corporation contemplates acquisition of lands in a populous part of the town, that is in Wards Nos. 21 and 22, in the direction of Monohurpukur and the Ballyganj Railway line. Therefore the proposed operations of the Calcutta Corporation will not affect the present question. As regards ordinary acquisitions by Government for their own purpose, to which reference has been made by my hon'ble friend, Rai Radha Charan Pal Bahadur, *i.e.*, acquisitions near the Calcutta Medical College, of course they would displace a large number of people, and, if Government were to proceed judiciously, what will be paid as their market value could be paid in a more liberal scale, so as to nullify the evils resulting from their acquisition. That can be done by Government without altering the Land Acquisition Act. That being so, I ought to support my hon'ble friend's amendment only for the purpose of pointing out that that is the logical conclusion of the principle which guides Government enacting the Calcutta Rent Bill."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, we have heard a good deal about the Calcutta Improvement Trust and the necessity of clipping its claws to such an extent as would make the Improvement Act practically a dead-letter for the next three years. My Lord, it is true that in the beginning the Trust, in connection with the selling or letting out of the surplus lands, did not perhaps in every improvement scheme do so with an eye towards the question or problem of re-housing in Calcutta : but Government have from time to time applied the corrective to the Trust, and in recent times at any rate the policy of the Trust has been changing largely towards the problem of re-housing in Calcutta. As I understood Mr. Mitter and if I understood Rai Debender Chunder Ghose Bahadur correctly, as I found some difficulty in following him, they have given a qualified support to this amendment of the Hon'ble Babu Surendra Nath Ray and I think I might yet be able to convince them that the amendment as worded will not only rope in the Trust and practically make its work nugatory, but it will make it impossible for Government to acquire any land for a public purpose, or for the Corporation for that matter to acquire lands unless they were able to prove that the lands were required for the purpose of an improvement.

Therefore from that point of view, the amendment as proposed is an impossible one. If the idea be only to have a sword thrust at the work of the Calcutta Improvement Trust, certainly the amendment as it stands goes much further and is so widely worded that it would make it impossible for any operation by Government under the Land Acquisition Act. For instance, if land was required for an educational institution or for any re-housing scheme and if Government hereafter thought that the provisions of the Land Acquisition Act or the Calcutta Municipal Act should be applied in acquiring the land, this amendment would make it impossible.

Now to turn to the question of re-housing for which the Improvement Trust is accused, and as I said in the beginning, probably in certain improvement schemes there were grounds for accusation. Am I to understand that it is the Improvement Trust alone that is responsible for this re-housing problem, simply because it has unfortunately in schemes which are of a varied nature—sewerage schemes, street schemes, etc., helter-skelter put people out of *bustees* and it has not found sufficient accommodation for them ? Does not

the landlord come in? Does not the question of pre-emption also to a certain extent bar the question of development of Calcutta? Is it entirely the Improvement Trust that is at fault over the question of development or rehousing? I think, my Lord, a good deal could be said regarding the landlord who gets back a certain amount of land from the Trust not developing that property. But my argument here to-day is going to be not actually to supplement what Mr. Goode has mentioned about the good work done by the Improvement Trust or to remove the distrust to a certain extent of the public mind towards the Trust, but my argument is mainly going to be that in the first place it is neither the time nor the place to restrict the operations of the Improvement Act. Mr. Goode has explained that Government have under consideration the amendment of the Improvement Trust Act, and I can assure the Council that that is a fact because I have seen the draft Bill myself, but for certain reasons we have not been able to introduce or publish it. But we have got several matters coming up in connection with the Improvement Trust. We have also as I mentioned in connection with another thing the other day, the question of a Town-planning Act. For all these reasons I do think that to try to restrict and practically bring the operations of the Trust to a standstill for the next three years is not to my mind at all justifiable. Further, although Mr. Mitter has mentioned that owing to the land boom the Trust have made a little more income than in normal times, I can assure him that the Trust will be very largely financially crippled if this amendment is carried. I cannot possibly recommend this Council to accept this amendment, and on behalf of Government I must oppose it."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am very much thankful to my hon'ble friend, Rai Radha Charan Pal Bahadur, for having said all that I had to say with reference to this amendment. He is probably connected with the Improvement Trust and the Calcutta Corporation for a larger number of years than any other member in this Council. Well, I am told by Mr. Phelps that it is not so: I may be wrong, but I think it is a fact that he is connected with the Improvement Trust for a larger number of years than many of us. Mr. Phelps began by saying that I had been trying to raise a hornet's nest and he was here to defend the Trust. My friend ought to know—and what he did not state—that public bodies like Government if they have rights have also obligations. The question, therefore, arises whether the Calcutta Improvement Trust in the exercise of their rights have discharged the obligations during the course of these long years that they are carrying on their improvements in Calcutta. Mr. Goode has also in the same strain said that by moving this amendment I am trying to raise a hornet's nest and that as a side issue I want to raise the old controversy. That is far from my mind, nor is it my wish by moving this amendment to check the work of the Improvement Trust. If the Improvement Trust has done good work—and everybody admits it—we are thankful to that body. I admit that it has done an immense amount of good, but it has also failed to carry out much that was expected from a body like it. It is said that the beneficient acitivities of the Corporation and of the Improvement Trust will be stopped if my amendment be accepted. But I fail to see how the beneficient work of the Corporation or of the Improvement Trust will be hindered or obstructed or will be stopped if my amendment be accepted. What is my amendment? My amendment is to the effect that no person shall during the continuance of this Act be ejected from any premises which may have been or shall be required under the provisions of the Land Acquisition Act, 1894, or the Calcutta Improvement Act, 1911, or the Calcutta Municipal Act, 1899, and which is not actually necessary for the purposes of the improvement unless an equivalent accommodation has been provided for him. If you require a piece of land for the purpose of a road, acquire that piece of land, but do not acquire the surplus land which you now acquire under the provisions of the Improvement Trust Act or the Calcutta Municipal

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Act. Take as much land as you think necessary for the actual purpose of the road or for any other scheme. The object of my amendment is not to disturb the occupants of houses in the surplus land for three years. After these three years you can do anything you like with them. Nor will the work of the Improvement Trust or of the Corporation be hindered in any way. If you want to make an award in respect of any surplus land, let that award be paid to the person who is entitled to it after three years. Do all that is necessary for the purposes of acquisition or for the purposes of an actual roadway or for the purpose of any other improvement scheme which you think necessary, but do not disturb the tenants of the surplus land for three years. That is my amendment.

The Hon'ble Mr. Goode has said that my amendment is too wide and that it is not actually necessary. Of course I know the decision of the Privy Council in the case of Chandra Kanto Ghose, but that has nothing to do with my amendment. I beg to submit that my amendment is plain and simple. Your Lordship is probably aware of the feeling of the Indian public in respect of the operations of the Improvement Trust. They have been loud in their condemnation of the way in which middle class gentlemen have been dislodged from their ancestral homes, but no heed has been paid to their complaint. In fact, the Anglo-Indian press have said that the Indians want to live in dirt and filth. If my amendment is accepted the Improvement Trust or the Calcutta Corporation might be able to sell the surplus lands to the would-be purchasers after three years. It is only for three years that I say do not disturb the occupants of houses in the surplus land.

Then I am told by the Maharajadhiraja Bahadur of Burdwan that there is already a draft Bill for amending the Calcutta Improvement Act, but we know the fate of those draft Bills. It will take at least a year more at the earliest before the Bill will become law. Where are these people to go to in the meantime? If, as has been said by Mr. Goode, my amendment is too wide, let him say what amendment Government are prepared to accept. I shall be only very glad to consider, if any reasonable amendment is put before me, whether I would be willing to accept that. I am told that this Rent Bill is primarily in the interest of the tenants and my amendment is also in the interest of the tenants. Do not evict people who have been in their homesteads for generations unless you actually require the land for the purpose of the improvement, and allow profiteers to purchase the surplus land and make enormous profits therefrom. This is all I have to say."

The motion being put, a division was taken with the following result :—

Ayes—14.

The Hon'ble Babu Sarat Chandra Chakrabutty
" " Rai Mahendra Chandra Mitra Bahadur.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur
" " Babu Surendra Nath Ray.
" " Sir Nilratan Sarkar, KT.
" " Raja Hrishikesh Laha, C.I.E.
" " Babu Akhil Chandra Datta.
" " Babu Kishori Mohan Chaudhuri.
" " Mr. Ashraf Ali Khan Chaudhuri.
" " Mr. P. C. Mitter, C.I.E.
" " Maulvi A. K. Fazl-ul-Haq.

Noes—20.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amin-ul-Islam.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Gurner.
" " Khan Sahib Aman Ali.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. W. H. Phelps.
" " Mr. R. M. Watson Smyth.

Surendra Nath Ray.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Mr. Aminur Rahman.
" " Mr. Hindley.
" " Mr. Arun Chandra Singha.
" " Dr. Abdulla-al Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Deba Prasad Sarbadhikari, KT., C.I.E.
" " Sir Rajendra Nath Mookerjee.
" " Babu Siv Narayan Mukharji.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Cathcart.
" " Mr. Pickford.

The *Ayes* being *14* and the *Noes 20*, the motion was lost.

109. The Hon'ble Raja Hrishikesh Laha moved that clause 11 be omitted.

He said :—

"This clause violates the elementary principle of legislation, namely, the preservation of decrees and orders already passed by duly constituted courts of law, and of the rights and obligations arising therefrom. It is for this reason that we invariably find a saving clause in the various statutes passed by the legislature of every country. In this connection I may point out by way of example section 2 of the Transfer of Property Act whereby all legal relations created before the Act have been saved. There are also several judicial pronouncements of His Majesty's Privy Council (*e.g.*, 3 Cal. 17 P. C.) which have repeatedly laid down that while interpreting a particular statute in the absence of express provision to the contrary, the presumption should arise that the rights and obligations which have already accrued, should be considered as having been preserved by the Act. In Munjhoori Bibi *versus* Akil Mahmud (17 C. L. J. 316), it was held, following the sound principle laid down by Mr. Justice Willes in Phillips *versus* Eyre [(1870) L. R. 6 Q. B. p. 1 (23)] that "retrospective laws are *primâ facie* of questionable policy and contrary to the general principle that legislation by which the conduct of mankind is to be regulated ought, when introduced for the first time, to deal with future acts and ought not to charge the character of past transactions carried on upon the faith of the then existing law.' Again, that eminent English jurist Sir Peter Benson Maxwell in his Treatise on the Interpretation of Statutes, p. 350, 5th edition, has expressed the opinion that 'every statute which takes away or impairs vested rights acquired under existing laws, or creates a new obligation or imposes a new duty or attaches a new disability in respect of transaction or considerations already past must be presumed to be intended not to have a retrospective operation.' Besides, the Civil Procedure Code provides for setting aside a decree or order. A decree once passed becomes final unless it is set aside by way of appeal, review or revision. If, as under this clause, courts are empowered to set aside their own decrees on their own initiative and in a totally different proceeding, I am afraid the finality in litigation, which is the fundamental principle of all

judicial orders, would be lost and uncertainty and insecurity would arise. In my opinion a novel departure from that principle has been made in this Bill without assigning any special reason for it. For these reasons I beg to move the omission of this clause."

The Hon'ble Mr. G. N. Roy said :—

"My Lord, I oppose the amendment. The provision follows the Bombay Act. It gives some relief to people against whom an order of ejectment has been passed between 1st September 1919 and the date of commencement of this Act. If the decrees have been executed their cases are finished and done with. But what of those who still occupy the premises when the Act comes into force? More than six months have passed from the 1st September 1919 before the Act comes into being. They should get some benefit along with their neighbours who will be protected. We are only giving a discretionary power to the court to give relief in the light of the provisions of the Act. The court may vary the order or rescind it. I appeal to the Hon'ble Member, to extend their sympathies to the case of tenants who have not been turned out of their homes on the date when the Act comes into force."

The Hon'ble Raja Hrishikesh Laha said :—

"My Lord, I am not much convinced by what has fallen from the Hon'ble Mr. Roy. I see no justification for introducing this clause in this Bill. There is no such provision in the Rangoon Act. And although the Hon'ble Mr. Roy said that there is such a provision in the Bombay Act, I do not find any. In any case, I do not see any reason for introducing this clause in this Bill.

The motion being put, a division was taken with the following result :—

Ayes—9.

The Hon'ble Babu Sarat Chandra Chakrabutty
" " Rai Mahendra Chandra Mitra Bahadur
" " Kumar Shib Sheekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " Sir Nibatan Sarkar Kt.
" " Raja Hrishikesh Laha, C.I.E.

Noes—21.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amin-ul-Islam.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " " W. H. H. Arden-Wood, C.I.E.
" " " Gurner.
" " Babu Kishori Mohan Chaudhuri.
" " Khan Sahib Aman Ali.
" " Mr. L. S. S. O'Malley, C.I.E.
" " " M. C. McAlpin.
" " " A. Marr.
" " " F. A. A. Cowley, C.I.E.
" " " G. N. Roy.
" " " W. H. Phelps.
" " " R. M. Watson Smyth.

The following members abstained from voting :—

The Hon'ble Babu Akhil Chandra Datta.

" " Mr. Provash Chunder Mitter, C.I.E.

Mr. G. N. Roy.

The following members were absent : —

The Hon'ble Mr. K. B. Dutt.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Bhabendra Chandra Ray.
" " Mr. Aminur Rahaman.
" " " Hindley.
" " " M. Ashraf Ali Khan Chaudhuri.
" " " Arun Chandra Singha.
" " Dr. Abdulla-al Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " " A. K. Fazl-ul-Haq.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Deba Prasad Sarvadhikari, KT., C.I.E.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Babu Shib Narayan Mukherjee.
" " Mr. G. A. Bayley.
" " " W. L. Travers.
" " " Cathcart.
" " " Pickford.

The *Ayes* being *9* and the *Noes 21*, the motion was lost.

The following motion being identical with the previous one was deemed to have been withdrawn :—

110. The Hon'ble Rai Radha Charan Pal Bahadur to move that following be inserted, viz. :—

111. Motion No. 100 not being carried, the Hon'ble Rai Radha Charan Pal Bahadur moved that after the word " may " in line 5 of clause 11 the following be inserted, viz:—

" except in the case of habitual defaulters or where the house is not required for any of the purposes mentioned in sub-section (*1*) of section 10 ".

He said :—

"If Your Excellency will permit me I would simply add the words 'except in the case of habitual defaulters' and leave out the remaining words of the amendment. My object is that this clause will only apply to those who are habitual defaulters."

The Hon'ble Mr. G. N. Roy said :—

"My Lord, I said just now that clause 11 gives only a discretionary power to courts in these cases, and they are to exercise this discretion for the purpose of giving effect to this Act. We have provided against habitually defaulting tenants. And we have also provided for the landlords if they require possession of the premises under section 10(*1*). The Court will exercise its discretion in the light of those provisions, and surely it is unnecessary to repeat all these in this clause and surely we can leave this thing to the discretion of the court. I, therefore, oppose this motion."

The motion was then put and lost.

Mr. G. N. Roy; Maharajadhiraja Bahadur of Burdwan.

Clause 12.

The following motion was, by leave of the President, withdrawn :—

112. The Hon'ble Rai Debender Chunder Ghose Bahadur to move tha clause 12 be omitted.

113. The Hon'ble Rai Radha Charan Pal Bahadur moved tha after the word " person " in line 9 of clause 12 the words " or his agent ' be inserted.

He said :—

" My Lord, I simply move this amendment. The 'person' may b absent or the 'person' may be a lady and in that case it may be necessar that he should be represented by an agent. I do not know whether there i any objection in accepting this amendment."

The Hon'ble Mr. G. N. Roy said :—

" My Lord, I really think the amendment is superfluous. I fancy tha the Hon'ble Member fears that the landlord has to make an affidavit and la himself open to penalty. But that is not what the clause really means The landlord's agent can always apply for execution. The clause says tha the person applying for execution shall swear an affidavit."

The motion was then, by leave of the President, withdrawn.

Clause 13.

114. The Hon'ble Rai Radha Charan Pal Bahadur moved tha after the word " been " in line 2 of clause 13 (*1*) the following be inserted viz. :—

" proved to the satisfaction of the Controller to have been ".

He said :—

" My Lord clause 13 gives power for the recovery of rent of any kin paid by the tenant above the standard rent. In the English Act it is als recoverable, but it is recoverable by the Controller, not by the tenant himself Some such provision ought to find a place here also. The matter shoul be decided by the Controller, otherwise the tenant on that plea may withhol the rent."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

" My Lord, there is nothing to prevent the landlord running in th tenant if he refuses to pay rent, and I do not quite see why the Controlle should be made the referee in this matter. For these reasons, I do not thinl this amendment is necessary ; I therefore oppose it."

The motion was then put and lost.

115. The Hon'ble Rai Radha Charan Pal Bahadur moved that for th word " six " in line 5 of clause 13 (*1*) the word " three " be substituted.

He said :—

" My Lord, ordinarily three months' time is allowed by the court. think also that three months would be sufficient time to enable the tenant t make up his mind. Six months is rather too long a time. "

e Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I do not consider three months long enough, and this really plies to rent which should not have been paid and has got to be recovered. hink six months is better than three."

The motion was then put and lost.

The following motions were, by leave of the President, withdrawn :—

116. The Hon'ble Rai Radha Charan Pal Bahadur to move that the word "six" in line 9 of clause 13 (*1*) the word "three" be substi-ed.

117. The Hon'ble Rai Radha Charan Pal Bahadur to move that at e end of clause 13 (*1*) the following be inserted, viz. :—

"except in the case of a payment made in pursuance of a voluntary agreement".

118. The Hon'ble Rai Radha Charan Pal Bahadur moved that after use 13 (*1*) the following be added, viz. :—

"Provided that no such sum shall be recoverable by the tenant unless he had given notice of the alleged overpayment in writing to his landlord and filed a copy of the same notice in the court of the Controller within a fortnight of the alleged over-payment".

e said :—

"My Lord, I think this will ensure *bonâ fide* objection on the part of both ndlord and tenant. The tenant can no doubt easily give 15 days' notice and should be quite enough for the landlord to take necessary steps for refund-g the excess sum. Otherwise the matter may be kept over for a long ne. This proviso will be helpful both to landlords and to tenants."

e Hon'ble Mr. O'Malley said :—

"My Lord, the effect of this amendment would be to frustrate the simpli-y which the Bill aims at, and to introduce a formal procedure. Now the nant must pay his rent regularly month by month if he is to obtain the otection of clause 10. The landlord will therefore know, quickly enough, the tenant claims that there has been an overpayment, for when the month mes round he will find it deducted from his rent, and there is no need for e tenant to serve a formal notice on him. Much less is there any neces-y for filing a copy in the Controller's Court. Apart from this, it cannot riously be contended that when there has been overpayment the tenant ould be deprived of his just rights by omission to give the landlord notice. ction 108 of the Transfer of Property Act does not provide for a notice in ses where the tenant can deduct payment from his rent It lays down, instance, that where a lessor neglects to make repairs which he is bound make, the lessee may make the repairs and deduct their cost with interest om the rent, or otherwise recover it from the lessor. No notice of the cost repairs is required. Again, if the lessor does not make a payment which is bound to make, and which is recoverable from the lessee if he does not ake it, the lessee may make the payment and deduct it with interest from e rent or otherwise recover it from the lessor. Here again, no notice is escribed. For these reasons, my Lord, I oppose this amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I quite understand that if the tenant is in a position to dedu the overpayment from the next month's rent, then where is the necessity providing for six months' time? In one case the tenants may sit quiet for months and 25 days and then come and say, 'I have paid Rs. 5 more.' The are small landlords, my Lord, who do not keep any accounts, and then there sure to be trouble. I think there will be no harm in providing against suc occurrences."

The motion was then put and lost.

Clause 15.

The following motions were, by leave of the President, withdrawn :—

119. The Hon'ble Rai Radha Charan Pal Bahadur to mo that the words "in the opinion of the Controller" in lines 4 and 5 of clau 15 (*9*) (*d*) be omitted.

120. The Hon'ble Rai Radha Charan Pal Bahadur to mo that for the words "unduly low" in line 5 of clause 15 (*2*) (*d*) the wor "less than the fair rent" be substituted.

121. The Hon'ble Rai Radha Charan Pal Bahadur moved th after the word "condition" in line 1 of clause 15 (*2*) (*e*) the words " environments or area" be inserted.

He said :—

"My Lord, in clause 15 it is stated that if there is any change in tl condition of the building, or an increase in the municipal tax, the Controll may raise the standard rent. My Lord, there may be other changes also ; f instance changes in environment or area ; such changes as I have indicat in my amendment."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, the reason why I oppose this amendment is, that in the fi place 'unduly low' in sub-clause (*d*) would cover most of the cases that t Rai Bahadur has in mind, and, secondly, by adding these words after 'conc tion' we would be imposing on the Controller a very large area of Calcutta administer, and for these reasons, I am unable to accept the amendment."

The motion was then put and lost.

The following motion was, by leave of the President, withdrawn :—

122. If motion No. 9 be not carried, and if motion No. 33 be carrie the Hon'ble Mr. P. C. Mitter moved that at the end of clause 15 (*2*) (the following be added, viz. :—

> "(*f*) where a lessee has taken a lease for purposes of subletting where the lessee has sublet the premises for a period of sev years or more".

122A. The Hon'ble Maharajadhiraja Bahadur of Burdwan mov that in line 3 of clause 15 (*2*) (*e*) the word "or" be omitted, and that after t word "taxes" in the same line the words "or cesses" be inserted.

He said :—

" My Lord, this is a consequential amendment. As amendments Nos. 56 and 57 have been carried this is necessary."

The motion was put and agreed to.

123. The Hon'ble Rai Radha Charan Pal Bahadur moved that after clause 15 (2) (*e*) the following be added, viz. :—

" (*f*) where the value of any premises has increased owing to the opening out of a road or square or similar other works of improvements in the close vicinity of the premises ".

He said :—

" My Lord, if there is a change in the condition of the premises, the standard rent will not apply. This is also one of the cases in which the Controller may be empowered to fix a fair rent, and therefore I move for the addition of this sub-clause."

The Hon'ble Mr. O'Malley said :—

" My Lord, what the Hon'ble Member in charge said about amendment 121 applies to this amendment also, and I oppose it for the same reasons."

The motion was then put and lost.

124. The Hon'ble Maulvi A. K. Fazl-ul-Haq was to have moved that for the words " at any time since the first day of April, 1914," in lines 4 and 5 of clause 15 (2) (*i*) the following be substituted, viz. :—

" at any time before the first day of April, 1916,"

and for the figures " 1914 " in line 6 of the same clause the figures " 1916 " be substituted.

The Hon'ble Member being absent, the motion was deemed to have been withdrawn.

The following motions were, by leave of the President, withdrawn :—

125. The Hon'ble Rai Radha Charan Pal Bahadur to move that after the figures " 1914 " in line 5 of clause 15 (*2*) (*i*) the words " with the addition of ten per cent " be inserted.

126. The Hon'ble Mr. P. C. Mitter to move that in line 6 of clause 15 (*2*) (*i*) for the words and figures " since the 1st day of April, 1914 ", the following be substituted, viz. :—

" between the 1st day of April, 1914, to the 1st day of April, 1919."

127. The Hon'ble Babu Kishori Mohan Chaudhuri, in the absence of the Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri, moved that for the words " fix such standard rent as he may deem just " in lines 10 and 11 of clause 15 (2) (*i*) the following be substituted, viz. :—

" increase the rent of twenty-five per cent. and fix any premium or other like sum as he may deem just".

He said :—

" My Lord, I move the amendment that stands in the name of the Hon'ble Mr. Ashraf Ali Khan Chaudhuri without any speech."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, as the Hon'ble Mr. Ashraf Ali is not here I really cannot make out why he has put this amendment in. The reason why we have put in 'premium' here is not to enable the Controller to allow any premium but to take all the circumstances into consideration in fixing what is the just standard rent. The addition proposed by Mr. Ashraf Ali practically means that the Controller is to increase the rent by 25 per cent. and fix any premium that he may deem just. I am, therefore, unable to accept the amendment."

The motion was then put and lost.

The following motions were, by leave of the President, withdrawn:—

128. The Hon'ble Rai Radha Charan Pal Bahadur to move that at the end of clause 15 (2) (*i*) the words "with the addition of ten per cent." be added.

129. The Hon'ble Rai Radha Charan Pal Bahadur to move that after clause 15 (2) (*i*) the following be added, viz. :—

> "Provided further that in the foregoing cases the standard rent shall be fixed at a sum equivalent to an income of not less than seven per cent. on the valuation of the premises to be determined by the Controller".

130. The Hon'ble Rai Radha Charan Pal Bahadur moved that at the end of clause 15 (2) (*ii*) the following be added, viz. :—

> "(*2 a*) In any proceeding for the recovery of any sum due under this Act, the Controller shall, on the application of the landlord or the tenant, grant a certificate specifying the amount due in accordance with the provisions of this Act, and if such sum be not paid within a fortnight from the date of the certificate the same shall, on application to that end, be executed by the court to which suits relating to property ordinary lie.".

He said :—

"My Lord, this amendment is both in the interest of the landlord and the tenant because it will obviate the necessity of litigation in a court of law involving heavy expenses. The Controller has been made an authority in many matters relating to landlords and tenants. If a landlord can satisfy the Controller that a tenant owes him a certain amount or where a tenant can prove, to the satisfaction of the Controller, that a certain sum is due to him, a certificate from the Controller should be sufficient for the court within the jurisdiction of which the property stands to issue an order for payment of the sum. This is, I believe, analogous to the practice prevailing in the mufassal under the Bengal Tenancy Act. I think this is a simple procedure and should be accepted both in the interest of the landlord and the tenant."

The Hon'ble Mr. G. N. Roy said :—

"My Lord, I think there is some misapprehension in the mind of the Hon'ble Rai Radha Charan Pal Bahadur. He seems to forget that the Controller is a person to determine only the standard rent and not to adjudicate on any dispute as to the amount of rent payable by the tenant. That is the function of the court and the court must determine it. The Hon'ble Rai Radha Charan Pal Bahadur wishes the Controller to be a smaller cause court

Rai Radha Charan Pal Bahadur; Babu Kishori Mohan Chaudhuri; Maharajadhiraja Bahadur of Burdwan.

if I may say so, for he wishes that the certificate of the Controller is to have the force of a decree. I am sure that the Council will not permit the Controller's certificate to be accepted as the judgment of a court. I, therefore, oppose the amendment on behalf of Government."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, it is provided in another place that a landlord should obtain a certificate from the Controller as regards the standard rent and the amount due from a tenant. I think, having regard to the fact that a certificate from the Controller is necessary in such cases, the landlord and the tenant should not be compelled to go to court; a certificate from the Controller ought to be sufficient to enable either of the parties to realise his dues. This is a simple procedure, and I think there is such a procedure under the Bengal Tenancy Act, which is known as the certificate procedure. If something of that sort, with such modification as Government might suggest, be adopted it would be for the benefit of both the landlords and the tenants, otherwise it would open the door still wider to the lawyers."

The motion was then put and lost.

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I beg to withdraw amendment No. 131."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I was willing to accept the amendment."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, if that be so, I may be permitted to move it."

131. The Hon'ble Babu Kishori Mohan Chaudhuri then moved that before the word "copy" in both places in which it occurs in clause 15 (*4*), the word "certified" be inserted.

The motion was put and agreed to.

New Clause 15 A.

132. The Hon'ble Mr. P. C. Mitter moved that after clause 15 the following be inserted, viz.—

Landlords may apply to Controller to assess a fair rent in certain cases.

"**15 A.** Notwithstanding the provisions of this Act either the landlord or the tenant may apply to the Controller to assess a fair rent in any of the following cases:—

(*a*) where the tenant satisfies the Controller that the rent allowable under the other provisions of this Act yields to the landlord a net return of more than six and a half per cent. per annum on the estimated cost of erecting the building on the 1st day of April, 1919, less a reasonable amount to be deducted on account of depreciation, if any, and the estimated value of the land on such date; or

(*b*) where the landlord satisfies the Controller that the rent allowable under the provisions of this Act yields to him a net return of less than six per cent. per annum on the estimated cost of erecting the building on the 1st day of April, 1919, less a reasonable amount to be deducted on account of depreciation, if any, and the estimated value of the land on such date, and the Controller shall, in either case, fix the rent at a figure which will yield to the landlord a net return of six and a half per cent. per annum on such date".

He said :—

"My Lord, this is a new clause and the object of it is to do justice both to landlords and tenants. We have been discussing a good deal as to what should be the proper data for fixing the standard rent and various questions were raised as to the standard rents for the superior landlord, the intermediate landlord and the tenant who is in actual occupation of a house. All these difficulties will disappear and justice will be done to all grades of landlords and tenants if my amendment be accepted. When we were discussing an amendment of the Hon'ble Rai Radha Charan Pal Bahadur in which he wanted to give 7 per cent. on the valuation of the premises to be determined by the Controller, the Hon'ble Mr. O'Malley said that the result of accepting that amendment would be to increase the work of the Controller a good deal. Now what I suggest is that those who can satisfy the Controller that the automatic standard rent yields less than 6½ per cent., can ask him to raise the standard rent and those who can satisfy the Controller that the standard rent yields more than 6½ per cent., can ask him to lower the standard rent. If the amendment of Rai Radha Charan Pal Bahadur were accepted, it would have been necessary to go to the Controller at every stage, whereas the stage at which I want to bring him in is only when the landlord or the tenant can prove to the satisfaction of the Controller that he has been rather hardly treated. Suppose that a landlord has already raised the rent of his house to 200 per cent., if we follow the automatic standard rent method of the Bill we allow him another 10 per cent. increase. That is neither justice nor common sense. On the other hand, take the case of a landlord like Mr. Phelps who has not raised his rent for years, who wants to raise his rent; all that he need do is to go to the Controller and say I have spent so much on the property and I want a 6½ per cent. return. My amendment, if accepted, will remove the very serious anomaly which the Act, as at present drafted, lends itself open to, namely, the anomaly of the rent that a landlord can charge and that of the rent which a man in actual occupation of a house can charge from a sub-tenant. I submit that my proposition is quite reasonable. At present one gets 5½ per cent. from war bonds free of income-tax and 6½ per cent. with income-tax with all the trouble of land-holding seems to be reasonable. It is only 1 per cent. more than what one gets from Government securities."

The Hon'ble Mr. O'Malley said :—

"My Lord, I may be permitted to mention briefly some of the duties which are already imposed on the Controller by this Bill. The list of those duties has been increased in the course of the discussion of the Bill by making him a referee in cases of leases or agreements to leases for 5 years or upwards. References can be made to him if the landlord thinks the rent is unduly low and it requires no prophetic instinct to say that those references will not be few and far between but very numerous. Again, he may fix such standard rent as he may deem just in all cases in which *salami* has been paid. This was an addition made by the Select Committee, and I have no hesitation in saying that it will involve a very large number of cases to be settled by him; for the Council is aware that the payment of *salami* is common where shops are concerned and there are thousands of shops in Calcutta. Nor will the general provision that the Controller shall fix a standard rent where for any reason any difficulty arises in giving effect to this Act tend to render the life of the Controller a happy one. I trust I am not pessimistic, but I think the attitude the landlords have taken towards the Bill shows that they are likely to make difficulties arise in giving effect to it when passed into law. The effect will be to make the

Controller a valuer in all cases covered by the amendment which are referred to him by landlords. I say the landlords, for I do not believe the tenants would refer to him, for in practice it will be found that few are in a position to produce proof of the cost of building a house on the 1st April, 1919, a date very favourable to the landlord."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, about the increase of the duties of the Controller I must freely confess that I am not in sympathy with the point. Even if his duties increased the amendment ought to be accepted in justice to landlords and tenants. If the Act is to do what it is intended to do, namely, to give relief to the tenants, then if we do not make a provision like the one I have suggested, we cannot work the Act satisfactorily. And I do not think that the work of the Controller will increase very much. After all what would be his duties? In the first stage his duties will be more or less of an automatic nature. We have certain fixed datas and all that the Controller need do in most cases will be to get the rent fixed. Now as regards that duty it ought not to take a very long time.

As regards the reference of my friend, Mr. O'Malley, to the amendment for which I am responsible, namely, that in places where leases are for five years the Controller will have to certify that these leases are fair and just. I do not think there will be very many of that character. Therefore, as regards the picture of the Controller being overburdened with work I do not think there is much substance. Then as regards the difficulty of the fixing a 6½ per cent. return on outlay, those who are familiar with the duties of the assessment officers of the Calcutta Corporation who revise the assessment of a considerable number of houses within a comparatively short time will agree with me when I say it is not a very difficult task. No complicated system is necessary for this purpose, and a rough and ready method will do quite well, and if my suggestion is accepted justice would be done to both the landlords and tenants. My friend has not satisfactorily explained how the standard rent of a house which is going to be let out for the first time will be determined. However, my sole object was to bring this question to the notice of the Council and of the Government in order to make the Act a just one, and I leave the decision in the hands of Government."

The motion being put, a division was taken with the following results :—

Ayes—11.

The Hon'ble Babu Sarat Chandra Chakrabutty.
" " Kumar Shib Sukhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " Sir Nilratan Sarkar, Kt.
" " Raja Hrishikesh Laha, C.I.E.
" " Babu Kishori Mohan Chaudhuri.
" " Mr. P. C. Mitter, C.I.E.
" " Mr. W. H. Phelps.

Noes—19.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amin ul-Islam.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Gurner.
" " Khan Sahib Aman Ali.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. G. N. Roy.

The following members abstained from voting :—

The Hon'ble Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Mr. M. Ashraf Ali Khan Chaudhuri
" " Mr. Arun Chandra Singha.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Mr. Aminur Rahman.
" " Mr. Hindley.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Deba Prasad Sarvadhikari, Kt., C.I.E.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Babu Sib Narayan Mukherjee.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Cathcart.
" " Mr. Pickford.

The *Ayes* being 11 and the *Noes* 19, the motion was lost.

The following motion was, by leave of the President, withdrawn :—

133. The Hon'ble Rai Radha Charan Pal Bahadur to move that after clause 15, the following be added, viz :—

"**15A.** Notwithstanding the provisions of this Act a voluntary agreement between the landlord and the tenant shall be valid and binding as between the parties or their representatives or persons deriving title through them".

134. The Hon'ble Rai Radha Charan Pal Bahadur moved that after the word "Act" in line 2 of clause 16, the following be inserted, viz:—

"to fix the standard rent or to determine whether any premises are to be governed by this Act".

He said :—

"My Lord, in the Bombay Act from which, I believe, most of the sections of this Act have been copied it is definitely stated that in order to fix the standard rent or to determine the rent the Controller may make enquiries but he cannot enter into a house."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, the reason for which I oppose this amendment is that in the first place it is not necessary. The Controller is not going to do something which is not governed by this Act. Secondly, there may be other things for the Controller to do besides the fixing of the standard rent, although they

nay be in connection with the fixing of the standard rent. I, therefore oppose the amendment."

The motion was then put and lost.

135. The Hon'ble Rai Radha Charan Pal Bahadur moved that the words "used for human occupation" in lines 1 and 2 of the proviso to clause 16 be omitted.

He said :—

"My Lord, this clause enables the Controller to enter any house without giving notice although it is stated that houses used for human occupation shall not be so entered, but there are places where it is necessary to give notice because the owner may not be there at the time. Perhaps it will be more convenient if the owner is present when the Controller comes to inspect the building. The notice is obligatory under the Calcutta Municipal Act. I believe it is convenient for the purpose of inspection; also for the proprietor if he be present can furnish any information that the Controller may want. It is a very simple amendment."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, it is a simple matter and I accept it."

The motion was then put and agreed to.

Clause 17.

The following motion being consequential upon Amendment No. 134 was deemed to have been withdrawn :—

136. If motion No. 134 be carried, the Hon'ble Rai Radha Charan Pal Bahadur to move that after the word "Act" in line 2 of clause 17 (*1*), the following be inserted, viz :—

> "to fix the standard rent or to determine whether a premises would be governed by this Act".

137. The Hon'ble Rai Radha Charan Pal Bahadur moved that for the words "apply for revision of" in line 4 of clause 18, the words "appeal against" be substituted.

He said :—

"My Lord, the ordinary procedure in the Calcutta Municipal Act is appeal. I think there is a lot of difference between appeal and revision As in assessment cases an appeal is made to the Chief Judge of the Small Cause Court I suggest that the words 'appeal against' be substituted for the words 'apply for revision of.' The word 'revision' has of course, as I understand it, not the same effect as the words 'appeal against.'"

The Hon'ble Mr. P. C. Mitter said :—

"I think, my Lord, that the amendment should not be accepted and the clause, as it stands drafted now, is better. After all, the question of appeal arises where there is a decision of the first court. That is not the idea here The idea is that if the Controller passes an executive order there should be some sort of provision for going to a higher authority."

Mr. G. N. Roy; Rai Radha Charan Pal Bahadur; The President; Maharajadhiraja Bahadur of Burdwan.

The Hon'ble Mr. G. N. Roy said :—

"My Lord, the Council will remember that the original word was 'reference' and the reference was to be to the Chief Judge of the Small Cause Court or the Civil Court. It was pointed out in the Select Committee that the word 'reference' had a particular meaning as in the Land Acquisition Act In deference to the wishes of the non-official members we put in the President of the Improvement Trust Tribunal as also we changed the word 'reference' to 'revision.' The word 'appeal' as now moved by the Hon'ble Rai Radha Charan Pal Bahadur was discussed, but we came to the conclusion that the word 'revision' was the more appropriate for the reasons given by the Hon'ble Mr. Mitter. The amendment proposed does not make any change in substance and, after having discussed the matter thoroughly in Select Committee I do not think, we should accept the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I beg leave to withdraw the amendment."

The motion was then, by leave of the President, withdrawn.

138. Motion No. 131 being carried, the Hon'ble Babu Kishori Mohan Chaudhuri moved that before the word "copy" in both places, in which it occurs in clause 18, the word "certified" be inserted.

The motion was put and agreed to.

The following motion was, by leave of the President, withdrawn :—

139. If motion No. 137 be carried, the Hon'ble Rai Radha Charan Pal Bahadur to move that for the word "revision" in both places in which it occurs in line 10, the word "appeal" be substituted.

The President said :—

"Amendment No. 140 has been misplaced. It should be discussed after 141. Therefore we should take 141 now."

141. The Hon'ble Rai Radha Charan Pal Bahadur moved that for the words "shall be final" at the end of clause 18, the following be substituted, viz :—

> "shall relate back to the date of the decision of the Controller appealed against, and shall, subject to the right of the Controller to refix the rent of any premises should there be a change of conditions affecting the standard rent thereof, be final".

He said :—

"My Lord, my apprehension is that the order of the court may not correspond with the date fixed by the Controller against whose decision the appeal is made, and therefore I have proposed this addition so that if there is any revision of the order of the Controller, it shall take effect from the date of the decision of the Controller."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, we consider this unnecessary, and I do not think the Rai Bahadur has adduced any argument in favour of this addition, which can weigh with the Government. I therefore oppose it."

The motion was then put and lost.

Mr. G. N. Roy ; Mr. P. C. Mitter.

140. The Hon'ble Mr. P. C. Mitter moved that at the end of clause 18 the following be added, viz.:—

> " subject, however, to revision by the High Court for the purpose of satisfying itself that the decree or order made by such President of the Tribunal or Court was in accordance with the provisions of law and for that purpose the High Court may call for the records of any case and pass such orders as it thinks fit ".

He said :—

"The object of this amendment is to give a right of revision to the High Court for the purpose of satisfying itself that an order has been passed according to law. We discussed this in the Select Committee and the point that I pressed before the Select Committee was this : that in spite of using the word 'final,' the High Court will have its power of interfering if a particular order is passed without jurisdiction. That will be only in case an order is passed without jurisdiction. But apart from jurisdiction the order may be illegal or it may not be illegal. I take one view of the tenant's right to sublet, Mr. O'Malley takes another view. In the Select Committee Mr. O'Malley put to me that if you give the right of revision to the High Court it will mean expensive litigation. But I will ask the Government and the Council to consider that it will mean expensive litigation and far more expensive litigation too if you do not give the right of revision. Take, for instance, the particular point of sub-tenancy—sub-letting a house on higher rent—the whole thing can be settled in two months' time if there be a provision for revision. But if there be no provision for revision the party affected will have the right to file a suit and to ask for an injunction and after the suit is decided to appeal from the decision, and that appeal is not likely to be decided till the Act has run its course. If you have applied for a revision then no court will give you an injunction, and the subsequent civil suit, if any, will be finished quickly. Therefore in the interest of speedy justice, I submit that the right of revision would be a better course. I would leave it to the Government to accept my amendment or not. I have placed my view before them. If it is not accepted, experience will show whether I am right or Government is right."

The Hon'ble Mr. G. N. Roy said :—

"My Lord, the Hon'ble Mr. P. C. Mitter mentioned this subject in the Select Committee and he contended that the High Court will have power to revise the proceedings of the Improvement Tribunal. It would appear that he has some doubt in the matter. Our position is that if the High Court have this right the Act does not take it away, but we do not wish to invite landlords to rush to the High Court by making a special provision in the law. This is a simple measure which is to last three years, and it is highly undesirable that the question of the standard rent to be fixed by the Controller should be the subject of prolonged litigation. We have provided a sufficient safeguard by giving the power of revision to the President of the Improvement Tribunal or to the Judge of Alipore, as the case may be. It was at the Hon'ble Mr. Mitter's suggestion that we adapted the President of the Improvement Tribunal. I do not think we can go any further and bring in the High Court as well.

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I am sorry that I have been misunderstood, although I do not feel that I have given cause for any misunderstanding. My position in the Select Committee was just the same as here. As the Bill stands, a litigant has every right to go to the High Court although the word 'final' is used. I also pointed out that in the Select Committee. I have also pressed for a

different point, namely, that when an order without jurisdiction or unless you give a right of revision, the party affected will have a right of suit and that will mean a far more protracted litigation, the whole thing may be held specially as an Injunction. I am sorry that the Government Member has not replied to that part of my argument. I am free to confess that this aspect of the matter did not strike me before as clearly as it has struck me now and I did not bring forward this argument in the Select Committee when we had to go through the Bill very hurriedly. I submit that a right of revision will be better in the interest of speedy justice."

The motion was then put and lost.

142. The Hon'ble Rai Radha Charan Pal Bahadur moved that clause 19 be omitted.

He said :—

"My Lord, clause 19 provides for penalties. I consider this clause to be unnecessary. In the first place clause 4 lays down that nothing shall be recoverable from the tenant over the standard rent or the sum liable under the Act, and clause 13 provides that the tenant can recover from the landlord the over-payment in whatever way he likes. In a court of law the landlord will have to make a solemn affirmation that the sum due is a sum recoverable under the Act. There is another provision too, that he must get a copy of a certificate from the Controller for anything beyond his standard rent, and therefore I think that this penalty clause is quite unnecessary. I have examined the English Act and can find no such provision. The excess is irrecoverable. There it is said that no excess shall be recoverable from the tenant, and therefore, if anything is paid, it shall be recoverable from the landlord. I think this penalty clause would only foster litigation; there are good and bad tenants as there are good and bad landlords and it is unnecessary to have criminal cases because, although it shall be decided by the President of the Tribunal, it would practically come under criminal class. I submit, therefore, that there is no necessity for this clause."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I am not so sanguine as my hon'ble friend opposite is, about the chance of loopholes, and I consider that this clause being left in the Bill will have a very salutary effect. There may be cases in which we wanted to make an example of rapacious landlords who are likely to evade the provisions of the Bill. I therefore think that this is an essential clause, and it must be left in, and for these reasons, I strongly oppose the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, should there not be a provision as well that the party who pays in spite of these provisions here, should also be penalised?"

The motion was then put and lost.

143. Motion No. 142 not being carried, the Hon'ble Rai Radha Charan Pal Bahadur moved that the following be added at the end of clause 19 (*1*), viz. :—

"Provided that no such complaint shall be entertained or lie unless the complainant has given notice in writing of the alleged over-payment to his landlord and filed a copy of the said notice in the Court of the Controller within a fortnight of the alleged over-payment".

He said :—

"My Lord, six months is the time given here, and if it is *bonâ-fide* complaint, I think notice ought to be given to the Controller and to the landlord, because then the *bonâ-fide* of the complaint will be clearly proved thereby. There are ignorant tenants as well as ignorant landlords. Of course it is quite understood that there are landlords who are much more ignorant than some tenants in the city and therefore some wily people may try and get the landlord into trouble under the cloak of this clause. Therefore, I think some such notice ought to be served upon the landlord."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, in the first place, I have got to point out that there is no court of the Controller under the Bill; and secondly, this clause is unnecessary as it would only lead to complications. I therefore oppose it."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, by 'court' I of course mean office and with Your Excellency's permission, I am willing to change it. There will be no complications at all. It is a very simple procedure, and the parties will be in a position to know what are the real facts."

The motion was then put and lost.

The following motion being consequential upon motion No. 38 was deemed to have been withdrawn :—

144. If motion No. 38 be carried, the Hon'ble Babu Kishori Mohan Chaudhuri to move that clause 19 (*2*) be omitted.

Clause 20.

145. The Hon'ble Rai Radha Charan Pal Bahadur moved that after the word "repairs" in line 5 of clause 20, the words "improvements, additions or alterations" be inserted.

He said :—

"My Lord, this is also a penalty clause. Besides repairs there are also other works, such as additions, alterations and improvements. I think, therefore, the words suggested by me should be added to this clause."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, as regards the ordinary improvements and additions and alterations, the Rai Bahadur ought to be content with what comes in under the compliance of municipal requisitions, and I do not think, therefore, that these words are necessary, and I therefore oppose the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, quite apart from complying with any municipal requisitions, there may be other alterations and improvements which may be necessary in connection with a house, therefore I think that these words are necessary."

The motion was then put and lost.

146. The Hon'ble Rai Radha Charan Pal Bahadur moved that after the word "premises" in lines 6 and 7 of clause 20, the words "or creates any new unauthorized easements" be inserted.

He said :—

"My Lord, there may be cases where the occupant of the house may, without the consent of the owner and in collusion with a neighbour, create an easement—opening a door or a window—and in order to guard against that I suggest that these words should be added to the clause."

The Hon'ble Mr. G. N. Roy said :—

"My Lord, I am not quite sure what the Hon'ble Member means by this clause. The section is intended to prevent landlords and their agents from harassing their tenants by disturbing any easements and compelling them to leave their premises. A landlord cannot create an easement, new or old. If the amendment is meant against the tenants all I need say is that a tenant cannot create an easement in 3 years. Clauses (*m*), (*o*) and (*p*) of section 108 of the Transfer of Property Act are specificially mentioned in section 10 and they provide sufficient safeguards for the landlord."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"I may mention, my Lord, that the clause begins thus : 'whoever in any case does these things'—and I submit that 'whoever' includes both the owner and the occupier. There may be certain things done by the occupier of the house without the consent of the owner. I think it is rather putting the owner to great disadvantage. The tenant will have the advantage of this clause, and I think the owner of the house should also have an equal advantage, so that the tenant may be prevented from doing things which may injure the building in any way."

The motion was then put and lost.

The following motion was, by leave of the President, withdrawn :—

147. The Hon'ble Rai Radha Charan Pal Bahadur to move that at the end of clause 20, the following be added, viz :—

> "and if the tenant, or any person deriving authority from him, be the offending party, the tenant shall further be liable to ejectment".

Clause 20 A.

148. The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the word "shall" in line 2 of clause 20A, the words "may, if necessary", be substituted.

He said :—

"My Lord, the use of the word 'shall' may mean that the only way of recovering a fine is by distraint, but the fine may be recovered in any other way, say, by deposits in the court."

The Hon'ble Mr. G. N. Roy said :—

"My Lord, the clause really follows the usual form ; the word 'shall' does not mean 'must'. For instance, the tenant may deposit it in the court, and if he does not pay it, the only way of realising the money would be by distraint."

The motion was then put and lost.

Maharajadhiraja Bahadur of Burdwan.

149. The Hon'ble Rai Radha Charan Pal Bahadur moved that for he word " landlord ", in line 4 of clause 20A, the words " person fined " e substituted.

Ie said :—

" My Lord, the position is this : clause 20 says that the landlord shall be ined. Clause 20A says that the fine shall be levied by the Controller by he distraint and sale of a sufficient portion of the moveable property of the andlord in accordance with the rules prescribed under section 22. My Lord, ections 19 and 20 begin with ' whoever '. ' Whoever ' may be any person ; it nay be a neighbour or some other person who may have a grudge against the andlord, and may create trouble by breaking a water tap, or doing other njury, but even in that case it seems that the fine shall be realisable by listraint upon the landlord. Therefore I propose that instead of the word landlord ' we should have the words ' person fined '. If it is the landlord, t would be the landlord ; if it be other persons, it would be other persons."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

" My Lord, I am willing to accept this amendment."

The motion was then put and agreed to.

The following motion was, by leave of the President, withdrawn :—

Clause 21.

150. The Hon'ble Rai Radha Charan Pal Bahadur moved that for he word " or " in line 3 of clause 21, the word " and " be substituted.

151. The Hon'ble Rai Radha Charan Pal Bahadur moved that for he word " six " in line 3 of clause 21, the word " three " be substituted.

Ie said :—

" My Lord, six months is rather too long a time. In the Municipal Act hree months is allowed, and I think that is quite sufficient, for a person who wants to make a complaint, whether tenant or landlord, to make up his mind. Six months is too long, and may encourage people with some grudge, to nanufacture cases, having regard to the long time given to them to do t in."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

" I am willing to accept this, my Lord."

The motion was put and agreed to.

New Clause 21A.

152. The Hon'ble Rai Radha Charan Pal Bahadur moved that after lause 21, the following be added, viz:— **Defaulting tenants to pa rent in adva**

" **21A.** If a tenant makes default in payment of his monthly rent within a week of its falling due, the landlord shall be entitled to realize from the enant one month's rent in advance by way of security, and in case of ontinuing default, to realize rent for every month in the first week of that nonth ".

Maharajadhiraja Bahadur of Burdwan; Rai Radha Charan Pal Bahadur.

He said :—

"My Lord, having regard to a similar amendment accepted by the Hon'ble Maharajadhiraja Bahadur, if Your Excellency will be pleased to substitute the word 'fifteen days' for the words 'a week,' I shall be grateful. It may not unoften happen that a tenant makes or continues to make default. I think it is necessary to guard against loss of rent, and this provision will not do any harm, and if a tenant is presistently in default, I think he should be required to deposit a month's rent in advance. I do not want him to be turned out, but it is only to safeguard the payment of rents. It is well known that there is a certain class of tenants in a certain part of the town who run away without paying any rents and without leaving any address, and you cannot find them out anywhere in Calcutta. Therefore it is necessary that this clause should be included."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"The amendment in which the Hon'ble Babu Kishori Mohan Chaudhuri proposed 15 days is quite a different one, but this is really a sort of penalising a defaulting tenant, by forcing him to pay rent in advance. I therefore oppose the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, the only reply that the Hon'ble Member has given is that it would penalise the tenants. Instead of turning them out I suggest this. Is it in any way penalising them? Or rather helping them because otherwise there is the more expensive procedure of applying to the court and getting immediate payment. Where is the penalty?"

The motion being put, a division was taken with the following result :—

Ayes—10.

The Hon'ble Babu Sarat Chandra Chakrabartti.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Kumar Shib Shekhareswar Ray.
" " Babu Brajendra Kishor Ray Chaudhuri.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Babu Surendra Nath Ray.
" " Babu Kishori Mohan Chaudhuri.
" " Mr. P. C. Mitter, C.I.E.
" " Mr. W. H. Phelps.

Noes—21.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Mr. J. G. Cumming, C.S.I., C.I.E.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Khan Bahadur Maulvi Amin-ul-Islam.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Gurner.
" " Khan Sahib Aman Ali.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Mr R. M. Watson Smyth.
" " Babu Akhil Chandra Datta.
" " Sir Nilratan Sarkar.

Maharajadhiraja Bahadur of Burdwan.

The following members were absent :—

The Hon'ble Mr. K. B. Dutt.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Mr. Aminur Rahman.
" " Mr. Hindley.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Dr. Abdulla-Al Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Raja Hrishikesh Laha, C.I.E.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omrah, K.C.S.I., K.C.V.O.
" " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Babu Siv Narayan Mukherjee.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Cathcart.
" " Mr. Pickford.

The *Ayes* being *10* and the *Noes 21*, the motion was lost.

The following motion was, by leave of the President, withdrawn :—

New Clause 21B.

153. The Hon'ble Rai Radha Charan Pal Bahadur to move that after use 21, the following be added, viz:— What standard rent to be in certain cases

" **21B.** If a tenant does not, by previous notice in writing to the landlord, ject to his present rental before the Controller within six months of this t coming into force or in the case of a tenant coming into possession after s Act comes into force, within six months of his entering into possession, rent which he is paying shall be deemed to be the standard rent of the emises during the period of his tenancy ".

Clause 22.

154. The Hon'ble Rai Radha Charan Pal Bahadur moved that after word " may " in line 1 of clause 22 (*1*), the words " after previous blication " be inserted.

e Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

" My Lord, I am willing to accept it."

The motion was then put and agreed to.

155. The Hon'ble Rai Radha Charan Pal Bahadur moved that after word " the " in line 1 of clause 22 (*2*) (*1a*), the words " practice and " inserted.

Mr. G. N. Roy ; The President ; Maharajadhiraja Bahadur of Burdwan ; Rai Mahendra Chandra Mitra Bahadur.

The Hon'ble Mr. G. N. Roy said :—

"My Lord, the amendment seems to be unintelligible. If it means method and practice of publication, all I need say is that the words 'method of publication' cover everything and whatever is necessary will be done. I think the words 'practice and' are unnecessary."

The motion was then, by leave of the President, withdrawn.

156. Motion Nos. 131 and 138 being carried, the Hon'ble Babu Kishori Mohan Chaudhuri moved that before the word "copy" in line 2 of clause 22 (*2*) (*a*), the word "certified" be inserted.

The President said :—

"Amendment No. 156 is consequential upon amendments 131 and 138 which have already been accepted by Government and therefore it is accepted by Government."

The motion was then put and agreed to.

157. The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that after clause 22 (*2*) (*b*), the following be inserted, viz :—

"(*b1*) prescribing the manner of issuing notice upon the landlord in case of deposit under section 10, sub-section (*3*), and the payment thereof".

He said :—

"My Lord, under clause 10 of the Bill tenants may deposit their rent with the Controller, but I find by referring to clause 22 that rules may be framed prescribing certain procedures. If the rent is deposited and there is no rule to the effect how notices are to be served upon the landlords, all these rules are necessary and hence my amendment. I find in the Bengal Tenancy Act that rules have to be framed for the purpose."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I am willing to accept it in a modified form if the hon'ble mover would accept it."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"I accept it, my Lord."

The motion was then put in the following form and agreed to :—

"That after clause 22 (*2*) (*b*), the following be inserted, viz :—

(*b 1*) prescribing the manner of giving notice to the landlord in case of a deposit of rent under section 10, sub-section (*3*), and the method of withdrawal of the rent by the landlord."

The following motions were, by leave of the President, withdrawn :—

158. The Hon'ble Babu Kishori Mohan Chaudhuri to move that in line 1 of clause 22 (*2*) (*e*), the following be inserted, viz:—

"in proceedings under this Act before the Controller, the President of the Tribunal, and the principal Civil Court of original jurisdiction in the district".

159. The Hon'ble Babu Kishori Mohan Chaudhuri to move that after the word "of" in line 3 of clause 22 (*2*) (*e*), the word "such" be inserted.

The following motion being consequential upon motions Nos. 137 and 9 was deemed to have been lost :—

Clause 23.

160. If motion Nos. 137 and 139 be carried, the Hon'ble Rai Radha aran Pal Bahadur to move that for the word "revising" in line 1 of clause the words "hearing appeals from" be substituted.

161. The Hon'ble Rai Radha Charan Pal Bahadur moved that after e word "erected" in line 1 of clause 24 the words "or re-erected" be serted.

e said :—

"My Lord, the object of my amendment is this Suppose there is a plot land measuring, say, 4 or 5 cottahs and there is an old dilapidated building it, the whole structure is pulled down and one or two buildings are con-ucted there Am I to understand that this Act will apply to such ildings ? If so, I would like to add the words 'or re-erected' to clause 24. course, if it is said that the word 'erected' would cover these cases, then lo not want to press it. If not, I would insist on the insertion of the words r re-erected' in the clause."

e Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, if a building is demolished and then it is re-erected again, it kind of re-erection is covered by clause 24. But if it is a partial erection, certainly it is not the intention that clause 24 should cover it, d therefore on behalf of Government I am unable to accept it."

The motion was then put and lost.

e President said :—

"Amendment No. 162 is consequential upon amendment No. 161 and erefore falls. As to amendment No. 163, clause 24 deals with the exemp-n of new buildings and it has nothing to do with the question of land quisition. The matter should be raised in connection with the proposed new use 25. Amendment No. 164 has been disposed of by a previous decision the Council."

The following motions were then deemed to have been withdrawn :—

162. If motion No. 161 be carried, the Hon'ble Rai Radha Charan Pal hadur to move that after the word "erection" in line 2 of clause 24 e words "or re-erection" be inserted.

164. The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that at the end clause 24 the following be added, viz. :—

"or to premises whose rent was below rupees two hundred and fifty a month, before the 1st day of April, 1916."

165. The Hon'ble Rai Debender Chunder Ghose Bahadur moved that ter clause 24 of the Bill the following be added, viz :—

"25. The "standard rent" under this Act shall not be considered to be e basis of any valuation under any proceedings under the Land Acquisition ct". **Standard rent not to be the basis of valuation.**

Rai Debender Chunder Ghose Bahadur ; Rai Mahendra Chandra Mitra Bahadur ; Mr. G. N. Roy.

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, this Act would put down the natural rise of rent of hous properties in the city, and that being so, it stands to reason that this artificia depreciation of the rent value for the period of three years should not be th basis of land acquisition proceedings. Proceedings under the Land Acqu si tion Act will be going on at all times at the instance of public bodies such a the Improvement Trust, the Calcutta Corporation and also at the instanc of joint stock companies and several Government Departments. It doe not look fair that Government by a legislative enactment to put down th natural rise of rent value of house property should take advantage of it an acquire property on the basis of the rent which might be prevailing durin these three years. In the case of a private person such conduct looks ver ugly, and I therefore propose that there should be some express provisio to the effect that advantage should not be taken of it by the Land Acquisitio Collector or that the standard rent should not be the basis of land acquisitio proceedings."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I beg to support this amendment. I have a similar amend ment No. 166 although I have drafted it in general terms. The object o my amendment is based upon similar reasons. In cases of land acquisitio proceedings for the purpose of acquiring land, the chief factor of valuin the land or building is the rent, and the question therefore arises whethe the rent receivable during the three years will be one of the factors for deter mining the valuation of land. In my humble opinion that ought no to be. The normal rent of the building or land should be considered a one of the factors in valuing the land or building, and for this reaso I submit to the Council that the rent which is controlled by the Act ough not to be the basis of calculation in valuing the land. I support amend ment No. 165, and I have already put forward my views in connection wit my amendment No. 166."

The Hon'ble Mr. G. N. Roy said :—

"I rise to oppose the proposal. I notice that there are three othe amendments on the same lines. I can appreciate the apprehension of th Hon'ble Rai Radha Charan Pal Bahadur who appears to be Knighterrant o the landlords in this Council. No such apprehension was voiced by him o by anyone else in the Select Committee. He will probably find that he i tilting at a windmill in this instance. I am surprised, however, that suc eminent lawyers as Rai Bahadur Debender Chunder Ghose and Rai Bahadu Mahendra Nath Mitra shall feel the same apprehension, viz., that the Ac before us will affect in any way the proceedings under the Land Acquisitio Act. My Lord, it is not a new thing which we have discovered or evolved An Act was passed in England some time ago. Bombay and Rangoon have passed their measures. It may be expected that the authors who passed th measures in Bombay and Rangoon have accomplished their task, looking befor and after. They felt no apprehension. The suggestion apparently is tha Government will be deliberately lowering the rent just to acquire land at a small value."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"That is not the suggestion."

he Hon'ble Mr. G. N. Roy continuing said :—

"I am glad to hear that. This is a piece of emergency legislation which is ›ing passed on account of extreme necessity and is going to last only for three ›ars. Why should the standard rent which we are fixing have anything to › with the valuation of land which the Land Acquisition officers have to ›termine? The law is that they are to proceed upon the market value of the nd which is to be acquired. The market value of land is worlds apart from ıe standard rent which we are fixing for three years.

If the contention be, that the Land Acquisition authorities will proceed ›on the basis of the actual rents paid for a series of years, the simple answer that the Land Acquisition Judge is not likely to be guided by the controlled ›nts of the three years during which the Act will be in force. I have some ıowledge and experience as a Judge and I can hardly believe that any ıdge or other authority will depart from the ordinary principles of law and ıse their award on the standard rents which we are fixing. This is all ıat need be said.

I am not unmindful of the subtle thought which was probably in ıe back of the far-seeing hon'ble gentleman's mind and which he has not ›iced. It is this: what will happen if by controlling rents in this fashion the arket value of land goes down? In the first place the majority of the ›ople of Calcutta will rejoice. We are looking forward to a time when we are ›ing to have more buildings, more suburbs and so on and if the land value ›es down many of us will have a chance of having a place somewhere the sun of Calcutta. Some observers tell us that this Act will make no ›ange in the land values of Calcutta. If that is so, our hon'ble friends are ıfe. If they do fall, will the amendment make any difference? Not the ightest. The fall is there and the Land Acquisition officers will have to ›roceed upon a factor, that is, the land value. They cannot be forced to go ack upon the previous market value unless of course we alter the Land ›quisition Act. I do not suppose that either the hon'ble mover or his ›iends propose to remodel the Land Acquisition Act to counteract the effects this Act. As I have said, the matter is entirely irrelevant. The market alue is not connected with what we are going to do, and the fixing of standard ›nt will not affect in any way the proceedings of the Land Acquisition officer.

My Lord, I oppose the amendment on the ground that it is irrelevant."

he Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, we have been told that the Land Acquisition Collector will ›certain the market value and then pay awards accordingly, but in ascertain-ıg the market value he will have to ascertain the rent of a certain number of ›ars There are also other ways of valuing a property where the ground is ıore than is necessary for the main building and the owner can put up a second ›use on the ground, where the Collector does not proceed on the rent value ıt ascertains the value of the land independent of the building and that the building independent of the land. But it is only in few cases that this done. In the majority of cases he looks to the rent of the house and then ›es the value as the market value. What would be the effect of leaving ıe Act as it is? If it is not intended to depreciate the rent value of alcutta property, then where is the necessity of this Act? The Act intends › put down the natural rise of rent in the town of Calcutta, and therefore think I am right in saying that it will affect the value of house properties ı Calcutta for three years. If Government pass an Act of this kind and ıen go on with land acquisition proceedings on the basis of the standard alue as fixed under this Act, it will certainly be hard upon the property wners. I have said that it will be rather ugly in the case of a private

Rai Debender Chunder Ghose Bahadur ; Rai Mahendra Chandra Mitra Bahadur ; Mr. G. N. Roy.

The Hon'ble Rai Debender Chunder Ghose Bahadur said : —

"My Lord, this Act would put down the natural rise of rent of house properties in the city, and that being so, it stands to reason that this artificial depreciation of the rent value for the period of three years should not be the basis of land acquisition proceedings. Proceedings under the Land Acquisition Act will be going on at all times at the instance of public bodies such as the Improvement Trust, the Calcutta Corporation and also at the instance of joint stock companies and several Government Departments. It does not look fair that Government by a legislative enactment to put down the natural rise of rent value of house property should take advantage of it and acquire property on the basis of the rent which might be prevailing during these three years. In the case of a private person such conduct looks very ugly, and I therefore propose that there should be some express provision to the effect that advantage should not be taken of it by the Land Acquisition Collector or that the standard rent should not be the basis of land acquisition proceedings."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

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e Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, we have been told that the Land Acquisition Collector will certain the market value and then pay awards accordingly, but in ascertaining the market value he will have to ascertain the rent of a certain number of ars There are also other ways of valuing a property where the ground is re than is necessary for the main building and the owner can put up a second use on the ground, where the Collector does not proceed on the rent value ascertains the value of the land independent of the building and that the building independent of the land. But it is only in few cases that this done. In the majority of cases he looks to the rent of the house and then es the value as the market value. What would be the effect of leaving e Act as it is? If it is not intended to depreciate the rent value of lcutta property, then where is the necessity of this Act? The Act intends put down the natural rise of rent in the town of Calcutta, and therefore think I am right in saying that it will affect the value of house properties Calcutta for three years. If Government pass an Act of this kind and en go on with land acquisition proceedings on the basis of the standard lue as fixed under this Act, it will certainly be hard upon the property ners. I have said that it will be rather ugly in the case of a private

gentlemen who will think twice before going on in that way. I think the code of honour is equally applicable to the State. Therefore I think I am right in suggesting that Government would be acting fairly if they were to say in so many words that though we have passed this Act as a temporary measure for the relief of persons who find it hard to get house accommodation at a reasonable rent, the standard rent fixed under this Act for a period of three years is not to be considered as indicating the market value of the land. The land acquisition officers work under the control of Government and they have no option in formulating their own views as to what is the market value. If they find that the temper of Government is that the rent value of the properties should be checked in its rise then it would be lowered to some extent during the period of three years. Where is the harm in laying down in so many words in this Act that the land acquisition proceedings should proceed independently of the rent fixed under this Act?"

The motion was then put and lost.

The following motion was, by leave of the President, withdrawn :—

Act not to affect market value of buildings under the Land Acquisition Act.

166. The Hon'ble Rai Mahendra Chandra Mitra Bahadur to move that after clause 24, the following be added, viz:—

"**25.** Nothing in this Act shall affect the market value of lands and buildings to be determined under the Land Acquisition Act, 1894."

Stay of proceedings before the Controller in certain cases.

167. The Hon'ble Mr. M. Ashraf Ali Khan Chaudhuri was to have moved that after clause 24 the following be added, viz :—

"**25.** (*1*) Whenever on an application made for possession or enhancement of rent under this Act, the occupant binds himself with two sureties in a bond for such amount as the Controller thinks reasonable, having regard to the value of the property and probable costs of the suit, to institute without delay a suit in the High Court or in the principal Civil Court of original jurisdiction in the district against the applicant for compensation for trespass and for enhancement of rent, and to pay all costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the Controller shall stay proceedings on such application until such suit is disposed of.

(*2*) If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order (if any) under this Act".

The Hon'ble Member being absent, the motion was deemed to have been withdrawn.

168. The Hon'ble Babu Surendra Nath Ray moved that after clause 24, the following be added, viz:—

Corporation of Calcutta not to raise assessment

"**25.** During the period this Act shall remain in force, the Corporation of Calcutta shall not raise its assessment of any premises over the standard rent on the ground of the increase of value, when any standard rent has been fixed in respect of the said premises".

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, under clause 2 of the Bill standard rent in relation to any premises should be the rent at which the premises were let on the 1st November 1918, or where they were not let on that date, the rent at which they were last let before that date, and after the 1st of April 1916 with the addition in either case of 10 per cent. on such rent, and under section 15, if there

has not been an increase of rent or if the rent at which the premises were last let was in the opinion of the Controller unduly low, then the Controller may fix a fair rent, so that you always get a fair rent fixed for the house. If that be the case and when there are these data to go upon, I really do not understand why the Calcutta Corporation should again interfere with a valuation in respect of the same premises. This is all I have got to say, my Lord."

The Hon'ble Mr. Gurner said :—

"My Lord, it is to a thankless and difficult task that I rise in stating the position of the Calcutta Corporation in regard to this amendment. Government, I understand, have an open mind on the subject, and it will rest with the free decision of this Council whether or not the scope of this emergency Rent Bill should be extended to affect the whole system of municipal assessment. I was explaining last night that the rental assessment of Calcutta is based on the valuation, taken to correspond to the fair rent, the rent at which the premises may reasonably be expected to let from year to year and that assessments once made cannot be enhanced within a period of six years. Now when this Act first comes into force, I am quite ready to admit that there will be a very few cases in which the fair rent does not correspond with the standard rent. There will be a few cases, as for instance, when the premises are let within the family at an extraordinary low rent, or as part of a business arrangement. In the latter cases, we assess on the actual rent paid. Besides this, we have to face the question of the operations of this Act which the Hon'ble Mr. Mitter has raised more than once. Let us take two possible cases. Suppose the landlord, after the standard rent is fixed, instals two broken chairs and useless almirahs and insists on letting his premises 50 per cent. above the standard rent. In a case like that our assessing officers would be entitled to take the fair rent as something more than the standard rent of the premises. Another obvious experience would be for a tenant to pay the landlord a *salami* of Rs. 2,000 *plus* the fine of Rs. 1,000 notwithstanding the terms of the Act; he will of course have to pay his rent into the bargain. That is a procedure which we have met with in the Corporation in theatre cases; as I say probably there would be circumstances arising out of the Act in which we should find the fair rent to be a little more than the standard rent. That much for the immediate present.

Now let us put ourselves two years further off, when this Act comes to an end. You will recollect that the assessment made in the year 1922 will be valid for six years, whereas you may take it for certain that by that time all these rents will have risen above the present rate. If the Act should be extended, presumably a higher percentage will be allowed, but that would be no benefit to the rates which had actually been fixed in 1922. What we should have to do in 1922, if we are bound to take the standard rent as the fair rent, is to fix our rates on the rents paid in 1918 *plus* 10 per cent. although that assessment has to stand for another six years up to the year 1928. In 1927 and in the early part of 1928 the lucky owners would still be paying rates on a basis of the rents of 1918 *plus* 10 per cent. Is that fair to the city finances, or to the tenants in other wards of the city which had had previously been assessed?

Then again, I should like to point out the numerous practical difficulties which come from simply tagging this clause on to the present Act. To begin with, the unit of our present assessment is a building; the unit of the standard rent is the premises which may be a part of a building or room. Therefore we shall have buildings in which one room or a suite of rooms only has been assessed to the standard rent. Therefore as far as I can follow

the present amendment, we shall be bound to assess the whole building on the standard rent or we shall have to go into very difficult calculations. Again, there may be several standard rents, whereas we have only one rate. The Hon'ble Mr. Mitter gave instances earlier in the day of kinds of sub-letting. Are we to take the basis of our valuation on these varying rents paid to the sub-landlords? There is one much more important difficulty which did not occur to the Hon'ble Members on the other side of the House, and that is this: that in section 567 of the Calcutta Municipal Act, the land acquisition value is presumed to be 25 times the municipal valuation; therefore if the standard rent does correspond to the municipal valuation, then the acquisition rate of the premises will be presumed to be 25 times the standard rent which is just what the Hon'ble Members want to avoid.

These are the practical difficulties which come most prominently before one when we consider this amendment, and it is quite impossible at this late hour to go further into the technical difficulties. I would, however, as the matter is to be decided by free vote in the Council, warn Hon'ble Members most seriously against the possible effect of this Bill on our municipal revenues. I do not know whether the Council realises the storms that we are weathering under the Rent Bill. I think, under the new system, we are going to lose over a lakh of rupees in our markets alone, and it would be disturbing the whole system under which we have built up these markets. By an amendment moved yesterday by the Hon'ble Rai Radha Charan Pal Bahadur, our whole educational policy has been hampered because it has transferred to the occupier, the whole of the liability for any educational cess which may be raised in the future, to give effect to the scheme of education put forward by Government. These are the obstacles we are going to meet with, and now we are faced with a much more radical danger of equalising the standard rent with the fair rent, the effects of which are more lasting and more widening.

I need hardly emphasise the capital needs with which we are faced in the near future. There is the large question of water-supply. There is the question of the wholesale revision of the pay of our staff, which will run into more than 2 lakhs; there is the new educational policy and there is the development of the undeveloped areas, which is in itself a matter of the highest importance as regards the extension of houses in Calcutta. If our revenues are docked or curtailed by the acceptance of the amendment now before the Council, you risk impeding the execution of the large capital improvements to which we have looked forward in the near future; you risk even curtailing most fundamental municipal activities, for instance, the improvement of the water-supply. I would appeal to Your Excellency and this Council, and to the Hon'ble Member in charge of this Bill, as I understand he is still open to persuasion, not to let emergency legislation like this, disturb the revenue system on which the city finances are based. I would ask the Council not to let a casual vote in a jaded Council have the effect of impairing the revenue system on the basis of which the city has built up its financial position, perfectly healthily, perfectly normally, without injustice, notwithstanding what our critics might say, and in accordance with the accepted principles of British municipal administration since the days of the Justices of the Peace."

On the Hon'ble Mr. P. C. Mitter rising to speak, the **President** said :—

"I think it would be better that the Hon'ble the Maharajadhiraja Bahadur should explain the position of Government before continuing the debate further."

Maharajadhiraja Bahadur of Burdwan; Mr. Phelps.

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, Government have an open mind on this subject, and are willing to leave it to the free vote of the Council. In case, however, the Council accepts the amendment, Government would then accept it in a modified form, as follows :—

'During the continuance of this Act, the Corporation of Calcutta or any other local authority shall not raise its assessment of any premises above the standard rent on the ground of the increase of value."

The Hon'ble Mr. Phelps said :—

"My Lord, Mr. Gurner has explained the position, and I am very glad to see that his opinions concur with mine. I take it to be most fortunate in that my opinion coincides with his. I did not know what the Hon'ble Mr. Gurner's opinions were before he spoke, as I have never had an opportunity of discussing the matter with him, but I have had some experience in the Corporation, and I may add my little mite of evidence in support of what I consider the highest authority in Calcutta at the present moment in those matters. The proposals, my Lord, appear at first sight so very innocent and reasonable that one is apt to accept them without doubt, but from my own experience with regard to assessment in the Corporation, I came to the conclusion—in fact I became aware two years ago of the fact—that it is admitted, openly admitted, by municipal commissioners, that the city is actually under-assessed, notwithstanding that we have many complaints from landlords that they have been over-assessed. I have made particular inquiries into these matters.—I am jealous of the good name of the Corporation—and I have challenged those who have asserted that they have been over-assessed, to give me particular figures, so that I would investigate them myself. My challenge has never been accepted; on the contrary, as I said before, I discovered in 1918 that the city was so much under-assessed because of the habit of many landlords of taking advantage of the six-yearly assessment and raising their rents during that period. I have the other day given you some startling figures about the rise in rents that have been demanded by landlords. I may tell you now that in many cases I have personally investigated the assessments in these particular cases, and in every one of those cases that I investigated, I found that these preposterous rises which have been made, were made on the plea that they have been re-assessed but, as a matter of fact, the assessment had not been raised. Therefore, so many landlords were actually, if I may use the words, cheating the Corporation out of their just dues on the one hand, and squeezing the tenants on the other. I have made this statement on other occasions too, but the fact needs hammering in; in fact I was so impressed with this under-assessment owing to the horrible system of charging or making profit out of the assessment, that when I first started on this propaganda, I advocated in a Rent Bill, not an imitation of the Bombay Act, nor an imitation of the Rangoon Act, but a simple return to the positive assessment. I said over and over again that if landlords would charge their rents according to assessment, there would be no necessity for a Rent Bill whatever, and I say so now. But I was not listened to. I have told this story over and over and over again in every assembly that I have addressed, for the last two years past. I insisted upon this in the Rent Committee; I was not listened to. I was not listened to in the Corporation, and it was not until I got into this Council that my words were listened to with respect. I suggest that these amendments may not be accepted by Government instead of that we have got a Rent Bill, and I give my blessings on it."

The Hon'ble Mr. P. C. Mitter said :—

"I find it rather difficult to follow my hon'ble friend, Mr. Phelps, and the difficulty is all the greater because I find that he has delivered a long speech at the fag end of the day, without even taking the trouble to read the amendment which the Hon'ble Member in charge is going to accept. His speech, so far as I could follow it, only amounts to this; that the landlords in the past —I am sure he has always got the landlords in his brain—have been cheating the Corporation. Hard words do not always carry conviction. But what is this amendment that we have before us, viz., that the Corporation of Calcutta or any other local body shall not raise their assessment of any premises over the standard rent. Now we have the standard rent. If we have the standard rent what is the good of talking to us about the past good deeds or the past misdeeds of landlords. With great respect I say, that he has not added either to our wisdom or our knowledge on the points which we have got to consider at the present moment. No doubt Mr. Phelps has said that he was never listened to in this place and that place. My sympathy goes to him, but if he does not confine himself to the points at issue, I am afraid he will find himself at the same disadvantage in this house also. My Lord, we have heard a good deal of the iniquities of the landlord, but I have here with me a piece of paper giving particulars of the way in which assessments have been raised by the Corporation. In 18, Bagh Bazar Street, the assessment was raised 45 per cent., in 21-1, Bagh Bazar Street, it was raised by 126·5 per cent. Again in 5-2, Brindabani Pal Lane, the assessment was raised by the high figure of 1,416·5 per cent."

The Hon'ble Mr. Gurner said :—

"May I inquire whether these assessments are on a rental basis, or whether they are on the basis of valuation?"

The Hon'ble Mr. P. C. Mitter said :—

"I cannot give the information. The Corporation's plea is that there is a general rise in rent. With regard to 13, Hira Lall Mitter Street, on the ground of general rise of rent in the locality, the assessment has been increased by 250 per cent. This is enough I think, and I do not want to tire the patience of the Council. I can quote a number of figures like these, but I do not blame the Corporation for it. They would be wanting in their duty if they did not follow the provision of section 151 of the Municipal Act, and that is the reason why there is the necessity of this amendment or a similar amendment. Under section 151 it is their duty to assess on the basis of the present estimated rental, and any Corporation officer would be failing in his duty, if he does not act according to the provision of that section. For this reason the amendment is necessary. But, my Lord if this Act is intended to give some relief to tenants that relief can hardly be given if this inflated assessment due to no fault of the Corporation but due to speculation in land and houses is allowed, it must necessarily follow that such assessment would raise the price of land and houses. Therefore some amendment of this nature is very necessary.

With regard to what the Hon'ble Mr. Gurner has said, I have every sympathy with the Corporation for increasing their revenues as they have increased their expenditure, and for that reason in the amendment which stands in my name, I have limited the rise to 10 per cent. I would not object to 10 or 20 per cent., but I would protest strongly against 200 or 250 per cent.

After all, this Act will remain in force for three years and therefore I am in favour of taking some action in the matter of checking the rise in assessment, because in that way the good effect, if any, of the Rent Act will be lost to a very great extent."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I accept the form of the amendment as proposed by the Hon'ble Member in charge."

The President said :—

"The Council understands that the amendment in the form which I now propose to put it from the Chair is left to the unfettered decision of the Council, officials have liberty to vote as they think proper."

The motion being put, a division was taken with the following result :—

Ayes—21.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" Mr. L. S. S. O'Malley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. A. Marr.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. G. N. Roy.
" " Babu Surendra Nath Ray.
" " Sir Nilratan Sarkar, Kt.
" " Khan Sahib Aman Ali.
" " Babu Sarat Chandra Chakrabartty.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Kishori Mohan Chaudhuri
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Mr. Provash Chunder Mitter, C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Mr. R. M. Watson Smyth.

Noes—8.

The Hon'ble Mr. W. W. Hornell, C.I.E.
" " Sir C. J. Stevenson-Moore K.C.I.E., C.V.O.
" " Mr. S. W. Goode.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. J. Monahan.
" " Mr. W. H. H. Arden-Wood, C.I.E.
" " Mr. Gurner.
" " Mr. W. H. Phelps.

The following members abstained from voting :—

The Hon'ble Mr. J. G. Cumming, C.S.I., C.I.E.
" " Khan Bahadur Maulvi Amin-ul-Islam.

The following members were absent :—

The Hon'ble Mr. Amnur Rahman.
" " Mr. Hindley.
" " Raja Hrishikesh Laha, C.I.E.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Mr. K. B. Dutt.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. Altaf Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Bhabendra Chandra Ray.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Mr. Arun Chandra Singha.
" " Nawab Bahadur of Murshidabad, Amir-ul-Omra, K.C.S.I., K.C.V.O.
" " Sir Deba Prasad Sarvadhikari, Kt., C.I.E.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Babu Siv Narayan Mukharji.
" " Mr. G. A. Bayley.
" " Mr. W. L. Travers.
" " Mr. Cathcart.
" " Mr. Pickford.

The *Ayes* being *21* and the *Noes 8*, the motion was lost.

169. The Hon'ble Mr. P. C. Mitter was to have moved that after clau 24, the following be added, viz :—

Assessment by Corporation of Calcutta

" **25.** During the period this Act shall remain in force the Corporati of Calcutta shall not raise its assessment by more than ten per cent. on t last assessment on any premises on any of the following grounds:—

(*a*) increase of value of land,

(*b*) increase in the estimated present cost of erecting the building, a

(*c*) the gross annual rental at which the land and building or t premises might reasonably be expected to let from year year."

The President said :—

" Motion No. 169 is disposed of by the decision which the Council h reached on the previous amendment."

The Hon'ble Mr. P. C. Mitter said :—

" My Lord, may I make a suggestion as regards clause (*c*) of my moti No. 169 ?

My motion is undoubtedly disposed of so far as clause (*c*) is concerne but I would ask Your Excellency to consider whether clauses (*a*) and (*b*) hav also been disposed of ? Clause (*c*) relates to houses assessed on rental bas and this is undoubtedly disposed of by the previous amendment, but (*a*) an (*b*) deal with houses not assessed on a rental basis."

he President said :—

"The Hon'ble Member will see that the governing clause of this amendment is that the Corporation of Calcutta is not to raise its assessment by more than 10 per cent. That is to say his amendment will give the Corporation the right to raise the assessment by 10 per cent. The Council has already decided that during the continuance of this Act the Corporation shall not raise the assessment of any premises above the standard rent. It is therefore out of order to move an amendment which would empower the Corporation to raise their assessment by 10 per cent."

he Hon'ble Mr. P. C. Mitter said :—

"I must bow to Your Excellency's decision."

The motion was then deemed to have been withdrawn.

The following motion was then deemed to have been withdrawn.

163 The Hon'ble Rai Radha Charan Pal Bahadur to move that after the word "Act" in line 3 of clause 24, the following be added, viz:—

> "and also shall not apply in the matter of determining the compensation payable in respect of any premises which may be acquired under the Land Acquisition Act".

169A. The Hon'ble Maharajadhiraja Bahadur of Burdwan moved that consequent on motion No. 28 being carried in an amended form, the following amendments be made :—

(1) in line 5 of clause 2 (*f*) (*i*) for the word and figures "April 1916" the word and figures "November 1915" be substituted;

(2) for the word and figures "April 1914" in the two places in which they occur in clause 15 (*2*), proviso (*i*), the word and figures "November 1913" be substituted;

(3) for the figures "1914" in line 5 of clause 17 (*1*) (*a*) the figures "1913" be substituted.

He said :—

"My Lord, in consequence of an amendment to clause 2 which was accepted by Government, certain consequential amendments are necessary, and I beg leave to move them."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 4.

The Hon'ble Maharajadhiraja Bahadur of Burdwan moved that the Secretary be directed to re-number the clauses and sub-clauses of the Bill in consecutive order and to make corresponding alterations in all cross-references hereto.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 5.

The Hon'ble Maharajadhiraja Bahadur of Burdwan moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

THE PRESIDENT'S ADDRESS.

The President said :—

"It is not my intention, as is customary, to address the Council thi evening, partly because the legislative programme is by no means complet and certain important measures which have been introduced, such as th Bengal Alluvial Lands Bill, the Bengal Agricultural and Sanitary Improvemen Bill will be proceeded with during the coming months ; and secondly, becaus a more appropriate occasion for my delivering a valedictory address to thi Coun il will arise in September next when it is probable that the Counci as it now exists will hold its last sitting. Under these circumstances, I nov propose that the Council should adjourn *sine die.*"

ADJOURNMENT.

The Council was then adjourned *sine die.*

J. F. GRAHAM,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.

CALCUTTA,

The 21st May 1920.

B. S. Press—4-6-1920—465J—350—S. C. R

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

The Council met in the Council Chamber at Government House, Calcutta on Thursday, the 1st July, 1920, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble SIR CHARLES STEVENSON-MOORE, K.C.I.E., C.V.O.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble MR. F. J. MONAHAN.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. J. R. BLACKWOOD.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E

The Hon'ble MR. C. D. M. HINDLEY.

The Hon'ble MR. F. M. LESLIE.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. M. CATHCART.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. R. M. WATSON-SMYTH.

The Hon'ble MR. A. D. PICKFORD.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MR. W. L. TRAVERS.

The Hon'ble ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU SARAT CHANDRA CHAKRABARTTY.

Oath of Allegiance; Questions and answers.

LIST OF BUSINESS—ITEM No. 1.

OATH OF ALLEGIANCE.

The Hon'ble Messrs. Blackwood, Donald, Pickford, Travers and Leslie made an oath of their allegiance to the Crown.

THE PRESIDENTS' ADDRESS.

The President said :—

"Before we proceed further with the business that is before us, I desire to read to you the following letter which has been received from the Right Honourable Mr. E. S. Montagu, the Secretary of State for India, in reference to a resolution carried in this Council on the 3rd February last.

INDIA OFFICE, LONDON,
The 29th April, 1920.

My Lord.

I have submitted to the King-Emperor the first of the two resolutions passed by the Bengal Legislative Council on the 3rd February, which accompanied the letter of Your Excellency's Government dated the 10th February, and His Majesty has commanded me to desire Your Excellency to inform the Council that he has received their loyal message with deep appreciation.

2. I would ask you at the same time to express to the Council my warm thanks for the sentiments conveyed in their second resolution, so far as they relate to myself personally, and to say that I have had great pleasure in communicating this message to His Majesty's Government.

I have the honour to be,
MY LORD,
Your Lordship's most obedient humble Servant.

Sd. EDWIN S. MONTAGU.

LIST OF BUSINESS—ITEM No. 2.

STARRED QUESTIONS.

The following questions which had been starred were put and answered :—

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***1.**

(*a*) Will the Government be pleased to state whether it is a fact that graduates from the Sibpur Engineering College are examined after their period of practical training with passed Overseers from the Engineering Schools?

Examin of stud the Sibp Enginee College of other Enginee Schools.

(*b*) Are the Government aware that the standard of education received by the Engineer students is different from that received by the Overseer students?

(*c*) Are the Government considering the desirability of examining these two classes of students separately?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) Yes.

(*c*) The attention of the Hon'ble Member is invited to the Government of India, Public Works Department, Resolution No. 192 E.A., dated the 1st April, 1920, republished in Part I of the *Calcutta Gazette* of 28th April, 1920. The final orders of the Government of India regarding the organisation of the Bengal Engineering Service and Subordinate Engineering Service are awaited. Meanwhile all matters relating to these services, including those referred to by the Hon'ble Member in this and the following questions, are engaging the attention of the Local Government."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***II.**

istant
ineers of
Sibpur
ineering
lege.

Are the Government considering the desirability of increasing the number of guaranteed posts of Assistant Engineer for the Sibpur Engineering College and of raising the initial salary of those graduates who fail to get the guaranteed posts?

Answer by the Hon'ble Mr. Cowley:—

"The number of guaranteed posts of Assistant Engineer is fixed by the Government of India and under their orders an apprentice engineer from the Civil Engineering College, Sibpur, is posted to the Bengal Public Works Department establishment and to the State Railway establishment in alternate years. Graduates who fail to obtain guaranteed posts do not necessarily become members of any branch of the Indian Service of Engineers, but the pay of those who may accept appointments in the new Bengal Engineering Service will be regulated by the orders of the Government of India regarding the organisation of that service."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***III.**

vincial
gineer
ice.

(*a*) Will the Government be pleased to state whether it is a fact that they propose to establish a new "Provincial Engineer Service"?

(*b*) If so, what will be its cadre and scale of pay?

(*c*) Will graduates from the Sibpur College who are already serving as upper subordinates be given preference in filling up these posts?

Answer by the Hon'ble Mr. Cowley:—

"(*a*), (*b*) and (*c*) The Hon'ble Member is referred to the answer already given to starred question I (*c*)."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***IV.**

er
ordinates
he Public
ks
artment.

(*a*) Are the Government aware that great hardship is being felt by the members of the upper subordinate establishment of the Public Works Department, on account of their slow promotion?

(*b*) Are the Government considering the desirability of introducing a time-scale of pay in their case?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) The Hon'ble Member is referred to the answer already given to starred question I (*c*)."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***V.**

ssment of
lands in
district of
aiguri.

(*a*) Will the Government be pleased to state whether it is a fact that the rent of *bastu* lands of tenure-holders which are part and parcel of other agricultural lands is being assessed for income-tax in the district of Jalpaiguri?

(*b*) Is there any Government circular directing such assessment?

swer by the Hon'ble Mr. Marr:—

"(*a*) Yes. only one such assessment was actually made, which was on income of Rs. 370 of a zamindar. The attention of the Deputy Commis-ner, Jalpaiguri, has been drawn to Board's Circular No. 32 B., dated the July, 1890, which directs that income derived from *bastu* lands rented to -agriculturists only should be considered liable to income-tax.

(*b*) No."

the Hon'ble Babu Kishori Mohan Chaudhuri:—

VI.

Will the Government be pleased to state what is the present condition of Jalpesh Temple, situated in the Government Western Duars, and state the mated cost required for repairing the temple and whether the committee ointed by the Government have sufficient funds to undertake the necessary irs for the temple?

The Jalpesh Temple in the Western Duars.

swer by the Hon'ble Mr. McAlpin:—

"The Jalpesh temple was severely damaged by the great earthquake of 7, involving the collapse of its central dome. Some other minor repairs are necessary. A special mason has been engaged for the reconstruction of central dome, and the estimate of the cost of this work cannot be prepared l he joins. It is not, therefore, possible to say definitely, though it is ved that the funds at the disposal of the Committee will be sufficient to plete the necessary repairs."

he Hon'ble Babu Kishori Mohan Chaudhuri:—

VII.

(*a*) Will the Government be pleased to state whether there is a confi ial establishment for every District Magistracy, in addition to the police inal Investigation Department?

Confidential Establishments in District Magistracies.

(*b*) If the answer to (*a*) be in the affirmative, will the Government be sed to state—

(*i*) whether persons, especially those in Government service, who are reported against by this department are given an opportunity of submitting explanations regarding the complaints made against them by the said department; and

(*ii*) when and why this department was created, and what is the exact nature of the work done by it?

(*c*) Are the Government considering the desirability of discontinuing establishment, having regard to the present circumstances of the country?

ver by the Hon'ble Mr. Stephenson:—

"There is no establishment of the kind indicated in this question."

he Hon'ble Rai Srinath Ray Bahadur:—

VIII.

(*a*) Will the Government be pleased to state whether inquiries have instituted into the indebtedness of agriculturists in districts of Bengal?

Indebtedness of agriculturists in districts in Bengal.

(*b*) If so, what is the amount of indebtedness in each district where inquiries have been made?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) Inquiries have from time to time been made regarding the debtedness of agriculturists, particularly in connection with settlen operations.

(*b*) The Hon'ble Member is referred to the Settlement Final Report Faridpur, Dacca and Midnapore and to the late Major Jack's 'Econc Life of a Bengal district' It is, however, for obvious reasons, impos for Government to state the amount of indebtedness in each district with claim to accuracy."

By the Hon'ble Rai Srinath Ray Bahadur:—

***IX.**

Distress in Bengal.

Are the Government aware—

(*a*) that severe distress prevails in many places in Bengal owin scarcity of food-stuffs and high prices;

(*b*) that people amongst the lower classes desire to go outside I for employment; and

(*c*) if so, are the Government considering the desirability of tal steps to find employment for such men within and out India?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) The Hon'ble Member is referred to the answers to starred ques No. X put by him and unstarred question No. 64 put by the Hon'ble B Bhabendra Chandra Ray.

(*b*) Government have no information of any such desire on the par the lower classes.

(*c*) In view of the answer to (*b*) no action need be taken."

By the Hon'ble Rai Srinath Ray Bahadur:—

***X.**

Destitution in Gopalganj.

Is it a fact that in the subdivision of Gopalganj in Faridpur numl of men have been reduced to utter destitution and are desirous of goin Mesopotamia and other places to earn their livelihood?

Answer by the Hon'ble Mr. McAlpin:—

" As regards the first part of the question a statement is laid on table.

It has not come to the notice of either the local authorities or Gove ment, that numbers of men in Gopalganj are desirous of going to Mesopota and other places to earn their livelihood."

Statement referred to in the answer to question No. X (starred) asked by Hon'ble RAI SRINATH RAY BAHADUR *at the meeting of 1st J 1920, showing distress in the Gopalganj and Madaripur sub-division the Faridpur district.*

There has been distress in certain thanas—especially in the *bhil* a of the Gopalganj and Madaripur sub-divisions of the Faridpur district. distress is attributed to (1) the general effect of the cyclone of last year f

:h the people in this area have not quite recovered yet; (2) the shrink- of private charity; (3) the want of work, a usual thing at this time of year; (4) high prices; and (5) the damage (the extent of which has not been ascertained) to the low land *bhil* paddy crop by the early rain in ch last. The position has been aggravated by the fact that banks and *ajans* have stopped giving loans because of their inability to collect their ious dues. The District Officer, Mr. J. N. Roy, O.B.E., who has visited affected area and made personal inquiries, reports that the situation is so serious as it was thought to be at first.

The following measures of relief have been undertaken:—

(1) The provision of work for able-bodied persons on the construction of, and repairs to, roads undertaken by the District and Local Boards and the removal of water-hyacinth.

(2) The provision of work for women on paddy-husking, for which purpose the District Board have made necessary advances.

(3) The supply of Burma rice at controlled price. The District Board have arranged for the purchase of 1,000 maunds of Burma rice and the sale thereof at cost price in Gopalganj. A supply of 1,361 maunds of Burma rice has also been arranged for the Madaripur subdivision.

(4) The grant of agricultural loans to cultivators. The Collector has been placed in funds to meet the demands for such loans.

he Hon'ble Babu Sarat Chandra Chakrabartty:—

CI.

Goalundo railway station platform.

(*a*) Are the Government aware that there is no raised platform at the undo railway station on the Eastern Bengal Railway in consequence of h the passengers, specially of the intermediate and third classes, suffer t inconvenience to get into the carriages.

(*b*) Are the Government considering the desirability of drawing the ition of the Railway Company to this inconvenience and of suggesting wooden staircases be provided on all intermediate and third class iages as is now done in the cases of first and second class carriages ?

wer by the Hon'ble Mr. Cowley:—

" (*a*) Government are aware that there is no raised platform at Goa- o Ghat railway station.

(*b*) The alleged inconvenience to intermediate and third class passengers, the proposals for remedying the same will be brought to the notice of nanagement of the Eastern Bengal Railway."

he Hon'ble Babu Sarat Chandra Chakrabartty:—

CII.

Steamer service between Narayanganj and Goalundo.

(*a*) Are the Government aware—

(*i*) that in each of the passenger steamers plying between Narayan- ganj and Goalundo several well-furnished cabins, a dining saloon and a spacious front deck are provided for 1st class passengers;

(*ii*) that only two unfurnished small cabins, one for ladies and another for gentlemen, without any deck, are provided in each of the said steamers for 2nd class passengers;

(*iii*) that in each of these steamers the space between the 1st and 2 class cabins is being used as a pantry, store room for fish a meat, and that a table is often placed there for the purpose washing the plates of the 1st class passengers and very oft mutton is hung up close to the 2nd class cabins and with view of the 2nd class passengers?

(*b*) Are the Government considering the desirability of drawing t attention of the steamer companies with a view to the removal of the afor said inconveniences of the 2nd class passengers and for the making of bett arrangements for them?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) (*i*) Yes

(*ii*) (*iii*) and (*b*) The Hon'ble Member is referred to the answer given July, 1919, to unstarred question No. 30 (*b*) (*i*) to (*iv*), a copy of which laid on the library table. The Steamer Company have since reported th the question of improving the 2nd class accommodation on their Padu service steamers has been receiving their attention and that improvemen are being effected on the various steamers from time to time. They a that the size and structural arrangement generally of these steamers do n permit of any radical improvements being made without serious encroac ment upon the space allotted for 3rd class passengers, but that full consider tion will be paid to the requirements of 2nd class passengers when buildi new steamers for the Padma service and that such measures as are possib will be taken to remedy the inconveniences from which they are now suffering

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XIII.**

Chairmen of Local Boards.

In view of the fact that most of the districts in this Presidency ha been given the privilege of electing non-official Chairmen, are the Gover ment considering the desirability of laying down a rule that Governme officials shall not be elected as Chairmen of the Local Boards?

Answer by the Hon'ble Mr. O'Malley:—

"Government are at present not prepared to make any statement, bu they propose to take the matter up for consideration."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XIV.**

The Dhaleswari and Buriganga rivers.

(*a*) Are the Government aware—

(*i*) that the rivers Dhaleswari and Buriganga in the district o Dacca are rapidly silting up so that inland steamers an big country boats cannot ply in them for the greater part o the year; and

(*ii*) that owing to the aforesaid condition of these two rivers diffi culties are being experienced by the people in regard to trad and communication?

(*b*) Will the Government be pleased to state—

(*i*) whether the action hitherto taken by them to improve the con dition of these two rivers has been successful;

(*ii*) what further action they propose to take to improve the conditions of these two rivers;

(*iii*) whether the dredging and *bandalling* operations in these two rivers are being still continued;

(*iv*) what the annual cost is, of these operations and under whose supervision they are conducted; and

(*v*) whether the officer under whose supervision these operations are conducted has any experience in river training?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) (*i*) and (*ii*) The Hon'ble Member is referred to the answer given o starred question No. 33 by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri at the meeting of this Council held on the 5th March, 1917. Government are in full possession of the facts in regard to the navigable condition of both the Dhaleswari and Buriganga rivers, and annual reports on the condition of these rivers and the operations undertaken during the year for their improvement are received from the Superintending Engineer, Eastern Circle.

(*b*) (*i*) Government are advised that the action taken to improve the condition of these two rivers has resulted in arresting deterioration, but that no permanent improvement can be said to have been effected.

(*ii*) Government propose to continue annual *bandalling* operations in hese rivers and if possible, when conditions are favourable, to dredge the bars when suitable dredgers are available.

(*iii*) The *bandalling* operations are continued year by year. Owing to conditions arising out of the war dredging operations were discontinued rom 1915-16, but in the cold season of 1918-19 the dredger 'Foyers' was mployed to open up the mouth from the Jamuna into the Dhaleswari. The Postgola shoal at Dacca was also dredged in the years 1918-19 and 1919-20.

(*iv*) The present annual cost of *bandalling* operations varies from Rs. 20,000 to Rs. 25,000. In this connection the Hon'ble Member is referred o the statement of expenditure on dredging and *bandalling* works from 906-07 to 1916-17, which is attached to the answer given to starred question No. 33 by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri at the meeting of this Council held on the 5th March, 1917.

(*v*) The officer under whose supervision these operations are conducted s the Executive Engineer, Dacca Division. The Executive Engineer, Dacca Division, in charge of this work up to the 4th February, 1920, is an experienced officer of the Public Works Department. The present Executive Engineer of the Dacca Division has also previously held charge of the Dacca Division for several years."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XV.**

(*a*) Are the Government aware that the District Board of Dacca equested Government to provincialise the road running from Dacca to Aricha? The Aricha and Dacca road.

(*b*) Are the Government considering the desirability of provincialising nd improving this road so that there may be motor-car services between Dacca and Manikganj, thereby removing, to some extent, the present inconveniences of the people?

(*iii*) that in each of these steamers the space between the 1st and 2nd class cabins is being used as a pantry, store room for fish and meat, and that a table is often placed there for the purpose of washing the plates of the 1st class passengers and very often mutton is hung up close to the 2nd class cabins and within view of the 2nd class passengers?

(*b*) Are the Government considering the desirability of drawing the attention of the steamer companies with a view to the removal of the aforesaid inconveniences of the 2nd class passengers and for the making of better arrangements for them?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) (*i*) Yes

(*ii*) (*iii*) and (*b*) The Hon'ble Member is referred to the answer given in July, 1919, to unstarred question No. 30 (*b*) (*i*) to (*iv*), a copy of which is laid on the library table. The Steamer Company have since reported that the question of improving the 2nd class accommodation on their Padma service steamers has been receiving their attention and that improvements are being effected on the various steamers from time to time. They add that the size and structural arrangement generally of these steamers do not permit of any radical improvements being made without serious encroachment upon the space allotted for 3rd class passengers, but that full consideration will be paid to the requirements of 2nd class passengers when building new steamers for the Padma service and that such measures as are possible will be taken to remedy the inconveniences from which they are now suffering."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XIII.**

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In view of the fact that most of the districts in this Presidency have been given the privilege of electing non-official Chairmen, are the Government considering the desirability of laying down a rule that Government officials shall not be elected as Chairmen of the Local Boards?

Answer by the Hon'ble Mr. O'Malley:—

"Government are at present not prepared to make any statement, but they propose to take the matter up for consideration."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XIV.**

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(*a*) Are the Government aware—

(*i*) that the rivers Dhaleswari and Buriganga in the district of Dacca are rapidly silting up so that inland steamers and big country boats cannot ply in them for the greater part of the year; and

(*ii*) that owing to the aforesaid condition of these two rivers difficulties are being experienced by the people in regard to trade and communication?

(*b*) Will the Government be pleased to state—

(*i*) whether the action hitherto taken by them to improve the condition of these two rivers has been successful;

(*ii*) what further action they propose to take to improve the conditions of these two rivers;

(*iii*) whether the dredging and *bandalling* operations in these two rivers are being still continued;

(*iv*) what the annual cost is, of these operations and under whose supervision they are conducted; and

(*v*) whether the officer under whose supervision these operations are conducted has any experience in river training?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) (*i*) and (*ii*) The Hon'ble Member is referred to the answer given to starred question No. 33 by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri at the meeting of this Council held on the 5th March, 1917. Government are in full possession of the facts in regard to the navigable condition of both the Dhaleswari and Buriganga rivers, and annual reports on the condition of these rivers and the operations undertaken during the year for their improvement are received from the Superintending Engineer, Eastern Circle.

(*b*) (*i*) Government are advised that the action taken to improve the condition of these two rivers has resulted in arresting deterioration, but that no permanent improvement can be said to have been effected.

(*ii*) Government propose to continue annual *bandalling* operations in these rivers and if possible, when conditions are favourable, to dredge the bars when suitable dredgers are available.

(*iii*) The *bandalling* operations are continued year by year. Owing to conditions arising out of the war dredging operations were discontinued from 1915-16, but in the cold season of 1918-19 the dredger ' Foyers ' was employed to open up the mouth from the Jamuna into the Dhaleswari. The Postgola shoal at Dacca was also dredged in the years 1918-19 and 1919-20.

(*iv*) The present annual cost of *bandalling* operations varies from Rs. 20,000 to Rs. 25,000. In this connection the Hon'ble Member is referred to the statement of expenditure on dredging and *bandalling* works from 1906-07 to 1916-17, which is attached to the answer given to starred question No. 33 by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri at the meeting of this Council held on the 5th March, 1917.

(*v*) The officer under whose supervision these operations are conducted is the Executive Engineer, Dacca Division. The Executive Engineer, Dacca Division, in charge of this work up to the 4th February, 1920, is an experienced officer of the Public Works Department. The present Executive Engineer of the Dacca Division has also previously held charge of the Dacca Division for several years."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XV.**

(*a*) Are the Government aware that the District Board of Dacca requested Government to provincialise the road running from Dacca to Aricha? The Ar and Da road.

(*b*) Are the Government considering the desirability of provincialising and improving this road so that there may be motor-car services between Dacca and Manikganj, thereby removing, to some extent, the present inconveniences of the people?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) No. The proposal has already been considered by Government and definitely rejected."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XVI.**

The Dacca University's special officer.

Will the Government be pleased to state—

(*a*) The functions of the special officer appointed in connection with the Dacca University?

(*b*) What special qualifications this officer possesses to be placed in charge of the preliminary works for establishing a residential university?

(*c*) What staff he has?

(*d*) What offices did he hold and for what period before he was appointed to the present office?

(*e*) (*i*) Whether he has to discharge his functions in consultation with anybody;

(*ii*) if so, by whom?

(*f*) Whether there is any committee to advise the special officer in connection with the selection of the tutorial staff and the framing of rules in connection with the Dacca University?

(*g*) The names of the members of the committee, if any?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The special officer has been instructed to inquire into and advise upon (1) the staff required, the scale of their salaries and the course of studies; (2) arrangements for laboratories, lecture rooms, etc; (3) arrangements for the accommodation of staff and students; (4) the opening of intermediate colleges; (5) the removal of the Dacca School of Engineering; and (6) any other matters which may be necessary for the starting of the University.

(*b*) Experience of administrative and University matters, capacity, and personal knowledge of Dacca.

(*c*) The staff of the special officer consists of—two assistants, one overseer, one typist-clerk and two orderlies.

(*d*) A statement is laid on the table.

(*e*) (*i*) (*ii*) The special officer consults the Superintending Engineer in regard to building schemes. His functions are advisory and he submits his proposals to the Director of Public Instruction.

(*f*) and (*g*) The answer is in the negative. It is not part of the special officer's duties to select the University tutorial staff."

Statement referred to in answer to question No. XVI (d) (starred) asked by the Hon'ble BABU SARAT CHANDRA CHAKRABARTY *at the meeting of 1st July, 1920.*

Substantive appointment.	Date.	Officiating appointment.	Date
Professor, Presidency College (temporary).	16th November, 1900	.....	.....
Ditto ...	.....	Offg. Principal, Madrassa ..	22nd June, 1903
Ditto ...	.....	Inspector, European Schools.	22nd October, 1903.
Ditto ...	2nd August, 1904 ...	.....	.....
Ditto ...	.....	Principal, Calcutta Madrassa, in addition.	12th August, 1904.
Ditto ...	1st November, 1904	.....	.....
Inspector of Schools, Dacca Division.	4th October, 1905 ...	.....	.....
Ditto ...	.....	Director of Public Instruction, Eastern Bengal and Assam	22nd September, 1909.
Ditto ...	10th December, 1909	.....	.....
Ditto ...	10th August, 1911 till 9th May, 1915.	.....	.....

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XVII.**

Will the Government be pleased to state—

Intermediate Colleges at Dacca.

(*a*) the number of intermediate colleges which the Government propose to establish at Dacca;

(*b*) (*i*) whether any of the existing educational institutions of Dacca will be converted into an intermediate college, and

(*ii*) if so, which of them,

(*c*) whether sites have been selected for the location of these colleges;

(*d*) whether any proposal has been made for naming these colleges;

(*e*) if so, what names the Government have decided to give to these colleges?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*), (*d*) and (*e*) It is proposed to establish four intermediate colleges bearing the following names:—

(1) Salimulla.
(2) Gandaria.
(3) Jagannath.
(4) Islamic.

(*b*) (*i*) and (*ii*) It is proposed to develop the Dacca Madrasa into an intermediate college teaching up to the intermediate stage of the Islamic course of the Dacca University and to accommodate the Jagannath Intermediate College in the new buildings of the Jagannath College, the first and second year students of which will, it is presumed, continue to study in the intermediate college. It is not proposed to convert any of the other institutions at Dacca into an intermediate college.

(*c*) It is proposed that the Salimulla College should be located at Amlapara on a site to the west of the Azimpur road and to the south of the Pilkhana road.

For the Gandaria College a site has been selected in the extreme east of the town, bounded on the west by the Dolai Khal, on the north by the Noranda Khal, on the north-east and east by the railway and on the south by the new suburb of Gandaria, close to the Dolaiganj station.

The Jagannath Intermediate College will be established in the buildings now occupied by the Jagannath College, such additional accommodation being provided as may be found necessary."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XVIII.**

Abnormal rise of prices of food-stuffs and cloths.

(*a*) Are the Government aware that acute distress prevails in this Presidency on account of the abnormal rise of prices of food-stuffs and cloths?

(*b*) Will the Government be pleased to state—

(*i*) whether they have been able to ascertain the causes of this abnormal rise of prices; and

(*ii*) if so, what are the causes?

(*c*) Is it a fact that the main causes of the abnormal rise in price of rice are the export, to other provinces and countries outside India, of this commodity and the cornering and profiteering adopted by merchants and traders?

(*d*) Are the Government considering the desirability of legislating against the cornering and profiteering of food-stuffs and of making rules limiting the export of rice to quantities in excess of what is needed for consumption within the Presidency?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) Government are aware that high prices have affected certain classes of the community, particularly those in towns, those on small fixed incomes and the poorer classes

(*b*) The Hon'ble Member is referred to the answer given to question No. 41 (unstarred) asked by the Hon'ble Babu Bhabendra Chandra Ray at the meeting of the Legislative Council on the 5th March, 1920.

(*c*) and (*d*) The Hon'ble Member is referred to the statement which will be made in connection with the resolutions on the subject included in the agenda of to-day's meeting."

UNSTARRED QUESTIONS.

(*Answers to which were laid on the table.*)

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

1.

Will the Government be pleased to lay on the table a statement regarding the cost of maintaining the police force in Bengal for the last five years, showing— Cost of maintenance the police f in Bengal

(*a*) the number and grade of each kind of officers,

(*b*) the allowance of different kinds granted to them,

(*c*) the expenditure on building construction,

(*d*) the expenditure on secret service,

(*e*) the expenditure incurred for recruiting constables;

(*f*) the expenditure on contingencies, and

(*g*) the expenditure on any other heads?

Answer by the Hon'ble Mr. Stephenson:—

"Statements are laid on the library table."

By the Hon'ble Babu Kishori Mohan Chaudhuri:

2.

(*a*) Will the Government be pleased to state whether it is a fact that the inspectors of police in charge of circles, who are required to remain on tour about 20 days in a month, receive no travelling allowance within a circle excepting a daily allowance of Re 1 when on tour? Allowances inspectors o police in ch of circles.

(*b*) Is it also a fact that they receive no pony allowance and no house allowance?

(*c*) Is it a fact that inspectors of police of the armed branch and inspectors of police in charge of court offices are in a better position in this respect?

(*d*) If the facts are as stated above, are the Government considering the desirability of taking such steps as may be necessary to remove the grievances of the inspectors of police in charge of circles?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) The answer is in the affirmative

(*c*) Inspectors of police of the armed branch and inspectors of police in charge of court offices receive conveyance allowance; the inspectors in the armed branch also receive free quarters.

(*d*) It is understood that the matter is under the consideration of the Inspector-General of Police."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

3.

Alleged grievances of passengers on certain stations on the Eastern Bengal Railway

(*a*) Are the Government aware that railway passengers on the western side of the stations of Poradah, Ishurdi and Nator on the Eastern Bengal Railway are put to great difficulty for want of passenger sheds with female compartments?

(*b*) If so, are the Government considering the desirability of drawing the attention of the Railway authorities with a view to the removal of the grievance at an early date?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) and (*b*) Government have no information upon the matter which is one for the authorities of the Eastern Bengal Railway, to whom the Hon'ble Member is referred."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

4.

Representation by Babu Mohim Chandra Bagchi for a sweetmeat stall at the Nator railway station

(*a*) Are the Government aware that a representation was made to the Traffic Superintendent of the Eastern Bengal Railway to allow Babu Mohim Chandra Bagchi to open a sweetmeat stall at Nator within the station compound for the convenience of passengers?

(*b*) Are the Government aware that the station authorities supported the application?

(*c*) Are the Government considering the desirability of moving the Railway authorities to accord their early sanction to the proposal?

Answer by the Hon'ble Mr. Cowley:—

"(*a*), (*b*) and (*c*) Government have no information on the subject and do not propose to institute inquiries or to interfere in the matter, which is of no public interest and in which a decision may safely be left to the discretion of the Eastern Bengal Railway authorities."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

5.

Steamer service between Lalgola and Paksey stations.

In regard to any likely delay that might occur in the matter of the construction of a railway line between Ishurdi or Nator and some station on the Godagari-Katihar line, are the Government considering the advisability for arranging a daily steamer service between Lalgola and Paksey similar to that which existed between Damukdia and Lalgola?

Answer by the Hon'ble Mr. Cowley:—

"The reply is in the negative."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

6.

Compensatory allowances to armed force inspectors.

(*a*) Is it a fact that in Government Order No. 3550 P.—D., dated the 25th September, 1917, relating to rule 42 (*B*), published in Volume 3 of the Bengal Police Regulations, a compensatory local allowance of Rs. 50 a month was sanctioned for inspectors employed in the special armed force in the places mentioned in the said notification?

(*b*) If so, will the Government be pleased to state whether Indians, otherwise qualified, are given opportunities of taking advantage of the said notification?

Answer by the Hon'ble Mr. Stephenson:—

"The Hon'ble Member is referred to the answer given by Mr. Kerr to the question No. 24 (unstarred) asked by the Hon'ble Babu Akhil Chandra Datta at the meeting of the Bengal Legislative Council held on the 27th March, 1919."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

7.

(*a*) Will the Government be pleased to state whether they are considering any scheme for the improvement of the pay and prospects of Sub Deputy Collectors? Pay and prospects of Sub Deputy Collectors.

(*b*) If the answer to (*a*) be in the affirmative, will the Government be pleased to state when the said scheme is likely to be carried out?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) The Hon'ble Member is referred to Appointment Department Resolution No. 1646 A.D., dated the 21st June, 1920, a copy of which is laid on the library table."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

8.

(*a*) In reference to Government Circular No. 2198 A., dated the 9th March, 1920, will the Government be pleased to state whether it is proposed to permanently separate the Provincial and Subordinate Executive Services? Separation of the Provincial and Subordinate Executive Services.

(*b*) If so, what provision do Government propose to make for those officers of the Subordinate Executive Service who entered the said service as not being a separate one from the Provincial Executive Service?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) The Provincial and Subordinate Services have always been separate, and there is no intention of altering this state of affairs.

(*b*) Presumably this question refers to the existing opportunities for promotion from the Subordinate to the Provincial Service. It is the intention of Government to continue, for the present, the same opportunities, and 35 per cent. of the vacancies in the Provincial Service will, as hitherto, until further orders, be filled by promotion from the Subordinate Service."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

9.

(*a*) Are the Government considering the desirability of improving the pay and prospects of the clerks of the Settlement Department? Pay and prospects of clerks in the Settlement Department.

(*b*) Is it a fact that the settlement clerks attached to the "Job and Contract" staff are not allowed travelling allowance under the Civil Service Regulations, although they are required to travel in muffasal camps, nor are they allowed leave under the said Regulations, nor are they allowed to enjoy the gazetted holidays? If not, why not?

(*c*) (*i*) Is it a fact that the services of such settlement clerks are not permanent and that they are not entitled to pension or gratuity, even if they were to spend their whole life in the service of the settlement department?

(*ii*) If so, are the Government considering the desirability of preparing a scheme for improving and remodelling the service in regard to its permanency, pension, leave, etc.?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) No. The pay of clerks in the Settlement Department is not fixed. It is settled from time to time by the Settlement Officers and by the Director of Land Records, to whom Government have delegated their powers of creating temporary posts up to Rs. 50 and Rs. 100, respectively, per mensem, in accordance with the qualifications of each clerk and the nature of the work performed by him.

(*b*) Clerks paid from the provision under "Job and Contract" in the Settlement Budget do not come within the scope of the rules regarding leave and travelling allowances in the Civil Service Regulations. Those employed on piece-work get no allowances during leave and as a rule get no travelling allowance. Those employed on monthly pay get actual travelling expenses when transferred from one camp to another. They are allowed casual leave and enjoy gazetted holidays when work permits.

(*c*) (*i*) Under article 365 of the Civil Service Regulations service on a 'Job and Contract' establishment does not qualify for pension or gratuity.

(*ii*) Government do not contemplate any such action."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

10.

(*1*) Is it a fact that the Civil Court peons were informed that the scale of their salary would be improved after the war?

(*2*) Will the Government be pleased to state—

(*a*) whether it has been finally determined that the scale of salary of Civil Court peons will be improved, and, if so, on what lines,

(*b*) why, in spite of assurances given to the Civil Court peons, their scale of salary has not yet been improved, and when the said scheme of improvement is likely to be carried out?

Answer by the Hon'ble Mr. Roy:—

"(*1*) Yes.

(*2*) (*a*) and (*b*) Yes; and final orders have been issued. A copy of the Government Resolution is placed on the table."

Statement referred to in the answer to question No. 10 (unstarred) asked by the Hon'ble Babu Kishori Mohan Chaudhuri at the meeting of 1st July, 1920.

GOVERNMENT OF BENGAL, FINANCE DEPARTMENT RESOLUTION NOS. 373-441 T.—F., DATED THE 29TH MAY, 1920, TO ALL COMMISSIONERS OF DIVISIONS, DISTRICT JUDGES, AND OTHERS.

The question of improving the pay and prospects of the menials in this Presidency drawing Rs. 12 and less having been under the consideration of Government for some time, proposals were submitted to the Government of India to raise their pay in order to render unnecessary the grant of grain compensation allowance. The Government

of India have now, with the approval of the Secretary of State, sanctioned the proposals of this Government with slight modifications regarding the pay of the process-serving establishment.

2. The rates of pay sanctioned vary in the different districts of this Presidency, which for the purposes of the scheme have been classified under three heads with reference to the cost of living, viz., group A, where the cost of living is great, comprising Calcutta, Howrah (Sadar), Darjeeling and the 24-Parganas (Sadar), group B, where the cost of living is moderate, comprising all the districts, save those included in groups A and C, and group C, where the cost of living is low, comprising Birbhum, Bankura and Midnapore. The menials have, for the purposes of the scheme, been divided into two broad classes, viz., (1) establishment menials, *i.e.*, those whose pay is drawn on establishment bills, and (2) contingency menials, *i.e.*, those paid from contingencies. The first class is also subdivided into (*a*) process-serving establishment, and (*b*) other establishment menials, *e.g.*, orderlies, peons, messengers, duftries, record-suppliers, barkandazes, durwans, etc., etc. The rates of pay now sanctioned will accordingly be:—

	During first five years	During 6th to 14th years	After 14th year
For establishment menials—			
(*a*) Process-servers in A and B districts ...	13	14	15
Ditto ditto C „ ...	12	13	14
(*b*) Other establishment menials in—			
A districts	11	12	13
B „	10	11	12
C „	9	10	11
For contingency menials in—			
A and B districts	9	Irrespective of the length of service.	
C districts	8		

3. These orders will have effect from the 8th March, 1920, and the expenditure will be met from the provision of Rs. 10,00,000 made in the Miscellaneous Budget for the current financial year under revision of pay of menials.

4. After the introduction of the new rates of pay the war allowance sanctioned in memorandum No. 6242 F., dated the 12th June, 1919, should only be continued to those menials who do not benefit by the new scheme, and any menials who benefit by the new rates of pay must refund the war allowance already drawn for the period from 8th March, 1920, by deduction from the bills in which their increased allowances are drawn.

5. It has already been stated that the rates of pay have been so regulated as to include the sum they now draw in the shape of grain compensation allowance. In future the grant of grain compensation allowance should only be given when the price of the cheapest common rice is dearer than 8 seers to the rupee.

6. The Accountant-General, Bengal, has been instructed to give effect to the scheme at once and to arrange that all arrears of pay in accordance with this scheme may be disbursed with effect from the 8th March, 1920. Any communication that is desirable in this connection may be made with that officer direct.

By the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy:—

11.

(*a*) Are the Government aware of a feeling of disappointment and discontent among the members of the Bengal Provincial Executive Service on account of the inadequacy of pay and emoluments, proposed in the recent Bengal Government Resolution?

Pay and emolument the members the Provin Executive Service.

(*b*) Is it a fact that a more suitable scale has been allowed in the Punjab, the Central Provinces and the United Provinces?

(*c*) Are the Government aware of an opinion that has been expressed that prices are higher and economic conditions are more acute and that the nature of work done by Deputy Collectors and Deputy Magistrates is more important in Bengal than in any of the provinces named?

(*d*) Is it a fact that the Secretary of State for India fixed the standar of pay at Rs 250 to Rs. 1,200 and gave discretion to the Local Governmen to work out schemes in their respective Governments?

(*e*) If so, are the Government contemplating the desirability of recor sidering the scheme proposed in their recent resolution and of taking ste to make the scales in Bengal the same as in the Punjab or in the Unite Provinces?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) Government's information is that the scale of pay recently san tioned for the Bengal Provincial Executive Service was received with sati faction by the service as a whole, but that this feeling was succeeded by di appointment when the scales sanctioned in certain other provinces came t be published.

(*b*) Different scales have been adopted in the provinces mentione The Government of Bengal are unable to express an opinion on their suita bility in those provinces, but consider their own scale to be suitable to Benga

(*c*) The latter part of the question apparently has reference to para graph 34 of the report of the District Administration Committee Th authority for the former part is not traced, it is a matter on which it dangerous to generalise.

(*d*) The Secretary of State directed that the minimum pay on confir mation should not be less than Rs 250 or more than Rs. 300; that the maxi mum pay in the time scale should not exceed Rs 850; and that the pay the selection grade or grades above Rs 850 should not exceed Rs 1 20 Within these limits he authorised local Governments to adopt such scheme as they considered appropriate to the conditions of their province.

(*e*) It is not proposed to reconsider the decision that has bee announced."

By the Hon'ble Babu Akhil Chandra Datta:—

12.

Recruitment and emoluments of the Provincial Executive Service.

(*a*) The orders of the Government of India regarding the emolument of the Provincial Executive Service having now been received and a regula scheme published, will the Government be pleased to state what conclusion regarding the future recruitment and emoluments of the Subordinate Civi Service have been formulated?

(*b*) If no definite conclusions have yet been arrived at, will the Govern ment be pleased to state what stage the investigation on the subject has reached and when the result of such investigation is expected to be published?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) and (*b*) The Hon'ble Member is referred to Government Resolution No. 1646 A.D., dated the 21st June, 1920, a copy of which is laid on the library table."

By the Hon'ble Babu Akhil Chandra Datta:—

13.

Time-scale pay for the subordinate civil service.

(*a*) Is it a fact that a proposal has been submitted by Government to the Government of India recommending a time-scale pay for the subordinate civil service beginning from Rs. 150 and rising up to Rs. 400?

(*b*) If so, will the Government be pleased to state whether full consideration was given to relevant recommendations contained in the report of the Public Services Commission and the report on Indian Constitutional

Reforms on the subject, as assured by the Hon'ble the Chief Secretary in answer to my question No. 10 asked at the meeting of the Council held on the 3rd February last?

(*c*) Is it not a fact that the subordinate civil service in Bengal mainly consists of graduates and that the Public Services Commission recommended a pay of Rs 250 to Rs 500 for such services?

(*d*) Is it not a fact that a feeling exists amongst the members of the subordinate civil service that a scale of pay of Rs. 150 to Rs 400 would be quite inadequate in these hard days for a member of the subordinate civil service to keep up his dignity, position and prestige and is incommensurate with the responsibilities of his office?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) The Hon'ble Member is referred to the Resolution of the 21st June, 1920, mentioned in the reply to question No 12 (unstarred)

(*c*) The possession of a degree is a normal condition of admission to the subordinate civil service The Public Services Commission recommended a general incremental scale of Rs 250 to Rs 500 for the particular provincial services with which they dealt These, however, did not include the subordinate civil service.

(*d*) An opportunity for the expression of opinion is given in the resolution, replies are at present awaited."

By the Hon'ble Babu Akhil Chandra Datta:—

14.

(*a*) Are the Government aware that a feeling of anxiety and disappointment exists amongst the members of the subordinate civil service owing to a definite pronouncement by the Government regarding their future pay and prospects being deferred? Pay and prospects of the subordinate civil service.

(*b*) In the interests of the public service are the Government considering the desirability of making a pronouncement on the subject as was recently made with regard to the provincial executive service?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) The Hon'ble Member is referred to the Government Resolution mentioned in the reply to question No 12 (unstarred).

By the Hon'ble Babu Akhil Chandra Datta:—

15.

Will the Government be pleased to state whether the orders of the Government of India regarding the future recruitment of the provincial executive service have been received? Recruitment the provincial executive service.

Answer by the Hon'ble Mr. Stephenson:—

"The orders of the Government of India have not yet been received, and the local Government are therefore unable to disclose their own recommendations on this subject."

By the Hon'ble Babu Akhil Chandra Datta:—

16.

Promotions from the subordinate civil service to the provincial executive service.

In answer to my question No. 11 asked at the meeting of the Counc held on the 3rd of February last, the Hon'ble the Chief Secretary was please to state that a proposal was submitted to the Government of India as to'l proportion of recruitment to be made by promotion from the subordinat civil service to the provincial executive service, will the Government l pleased to state what proportion was recommended by Government an approved by the Government of India?

Answer by the Hon'ble Mr. Stephenson:—

"The orders of the Government of India have not yet been received, an the local Government are therefore unable to disclose their own recommenda tions on this subject."

By the Hon'ble Babu Akhil Chandra Datta:—

17.

Cadre of the provincial executive service.

(*a*) Is it a fact that the Government are contemplating an increase i the cadre of the provincial executive service? If so, will the Governmen be pleased to state when and to what extent the cadre will be increased?

(*b*) Are the Government considering the advisability of filling up substantial portion of the vacancies in the provincial executive service whic will thus be created, entirely from the subordinate civil service by promoting

(*i*) all the sub-deputy magistrate-collectors who having been foun thoroughly fit have been vested with 1st class magisteria powers and

(*ii*) other members of the service who are otherwise fit for promotion

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) Government have called for statistics with a view to judging the adequacy of the present cadre of the provincial civil service. No estimate as to the adequacy or inadequacy of the cadre is yet practicable.

(*b*) Pending receipt of the statistics above referred to, Government are deferring the consideration of the means by which the defect, if any, in the present cadre of the provincial civil service should be made good."

By the Hon'ble Babu Akhil Chandra Datta:—

18.

Magisterial powers of the provincial and subordinate executive service.

(*a*) Is it a fact that the Government have recently issued a circular to all Commissioners of Divisions on the subject of the division of duties between the provincial and subordinate executive services where it is proposed that sub-deputy collectors should not, in future, be vested with magisterial powers higher than those of the 2nd class?

(*b*) If so, are the Government considering the desirability of removing the anomaly which would otherwise exist in the subordinate civil service by promoting all the sub-deputy magistrates already vested with 1st class and other special magisterial powers to the provincial executive service?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) In the circular calling for statistics referred to above, Commissioners have been asked in framing their estimates to assume that sub deputy collectors will not exercise magisterial powers higher than those of the 2nd class

(*b*) Promotions from the subordinate to the provincial service, when made will continue to be based on a consideration of the individual merits of the officers concerned."

By the Hon'ble Babu Akhil Chandra Datta:—

19.

The Bengal Pilot Service

Will the Government be pleased to state

(*a*) The number of officers in the Bengal Pilot Service who draw Rs 200 a month and over?

(*b*) The names of these officers and the pay drawn by each of them?

(*c*) How many of these officers are Indians and how many non-Indians?

(*d*) How many of these officers were appointed from Europe and how many were appointed in India?

(*e*) Whether it has been the practice to advertise vacancies in this service whenever they occur? If so, since when?

(*f*) (*i*) How many appointments in this service have been made carrying a higher salary than Rs 200 per mensem, after the publication of the report of the Public Services Commission?

(*ii*) Whether any Indians applied during this period? If so, how many and how many of these applicants were appointed, and on what pay?

(*g*) (*i*) Whether there is still a rule that candidates for this service must be Europeans or the descendants of European or Anglo Indian parents domiciled in India? If not, when was this rule abrogated?

(*ii*) Will the Government be pleased to lay on the table the existing rules on the subject?

(*h*) Whether experience in a sailing vessel is still regarded as an essential qualification for admission to the service?

(*i*) (*a*) Whether all the recommendations of the Public Services Commission regarding this service have been given effect to?

(*b*) If not which of the recommendations have been given effect to, and which of them the Government propose carrying out in the near future?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The present strength of the Bengal Pilot Service drawing Rs 200 a month and over, is 53.

(*b*) For the names of the officers the Hon'ble Member is referred to pages 278–80 of the Civil List for Bengal The Pilots do not get fixed pay. They are paid by fees, being 50 per cent. of the pilotage fees levied on ships.

(*c*) All the officers are non-Indians.

(*d*) All the officers were appointed under the rules for appointment made by the Secretary of State for India, although thirteen of them were selected in India.

(*e*) Yes, since 1887.

(*f*) (*i*) Candidates for the Bengal Pilot Service are not appointed direct as Pilots, but as Leadsmen Apprentices who are in training for the service. Leadsmen Apprentices get Rs. 107 per month from date of arrival *plus* an average lead money of Rs. 80 when on the running list.

(*ii*) No.

(*g*) (*i*) No The rule as amended by Secretary of State's despatch, dated the 6th May, 1920, provides that any statutory native of India is eligible for appointment.

(*ii*) The rules are now under revision. A copy will be sent to the Hon'ble Member as soon as they are ready.

(*h*) No.

(*i*) (*a*) and (*b*) Yes, except in respect of the pension rules. The European Service Leave rules have been made applicable to the Bengal Pilot Service. The questions of pension and remuneration are still under consideration."

By the Hon'ble Babu Akhil Chandra Datta:—

20.

ccommodation or third and ntermediate lass passengers n the ssam-Bengal ailway.

(*a*) Are the Government aware that the third and intermediate class passengers on the Assam-Bengal Railway—specially between Ashuganj and Chandpur—suffer great inconvenience and hardship on account of the want of proper accommodation and consequent overcrowding?

(*b*) Are the Government aware that this state of things has existed for several months past and that no action has been taken in spite of the repeated complaints of the people?

(*c*) Are the Government aware that the Assam-Bengal Railway issue tickets out of all proportion to the accommodation available and at the same time do not allow passengers to travel in higher classes even if there are empty compartments available in those classes?

(*d*) Are the Government aware that the overcrowding is so great as not infrequently to lead to breaches of the peace and assault and in some cases to cause passengers to swoon and become unconscious?

(*e*) Are the Government considering the desirability of taking such action as may be necessary for the removal of these grievances?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) It has been ascertained from the Assam-Bengal Railway authorities that the third and intermediate class stock is at present insufficient

conveniently and comfortably to accommodate all intending passengers by these classes.

(*b*) It is understood that the insufficiency of stock has existed for some time, and that no remedy is possible till additional stock, which was ordered some time ago and which is expected to arrive from England shortly, has been received.

(*c*) and (*d*) Government have no information.

(*e*) The attention of the Railway authorities has been drawn to the Hon'ble Member's allegations."

By the Hon'ble Babu Akhil Chandra Datta:—

21.

Will the Government be pleased to lay on the table a statement showing the number of recruits obtained by the Government during the last war from each of the five divisions of Bengal? Recruits Bengal.

Answer by the Hon'ble Mr. Stephenson:—

"A statement furnishing the required information is laid on the table."

Statement referred to in the answer to question No. 21 (unstarred) of the 1st July, 1920, showing the number of recruits obtained from Bengal during the war.

Name of Division	Number of combatants recruited.	Number of non-combatants recruited.
Burdwan	620	292
Presidency	1,318	10,006
Dacca	2,130	904
Rajshahi	804	46
Chittagong	830	3,636
Total ...	5,702	14,884

Apart from the above, the Technical Recruiting Officer, Bengal, obtained 54,283 men for the non-combatant services; 657 convict volunteers were also obtained, and 40,656 men were secured as lascar crews. No information is available as to the Divisions to which they belong or from which they were enrolled.

The period covered extends from the beginning of the war to the 31st December, 1918. Some recruitment for the non-combatant services still continues.

By the Hon'ble Babu Akhil Chandra Datta:—

22.

Voters for the Reformed Bengal Legislative Council.

Will the Government be pleased to lay on the table a statemen showing the number of voters in the different constituencies for the Reforme Bengal Legislative Council according to (*a*) the original list and (*b*) th revised list as it now stands.

Answer by the Hon'ble Mr. Stephenson:—

Muhammadan urban constituencies.

CONSTITUENCY	Number of voters according to original estimate.		Number of voters according to draft electoral rolls.	
Calcutta, Northern	3,523		1,580	
Calcutta, Southern			1,600 (approximate).	
Hooghly, municipal	1,169	3,087	1,219	
Howrah, municipal	1,918		1,705	
24-Parganas, A	7,111		3,968	
24-Parganas, B			4,209	
Dacca town	3,922		3,690	
Total ...	17,643		17,971	

Muhammadan rural constituencies.

CONSTITUENCY	Number of voters according to original estimate		Number of voters according to draft electoral rolls.	
Burdwan district	7,457	11,774	6,565	12,882
Birbhum district	3,057		4,857	
Bankura district	1,260		1,460	
Midnapore district	3,225	9,261	3,059	10,191
Howrah, Hooghly } non-municipal	6,036		1,984	
			5,148	
Carried over ...	21,035		23,073	

Constituency.	Number of voters according to original estimate.	Number of voters according to draft electoral rolls.
Brought forward ...	21,035	23,073
24-Parganas district, non-municipal ...	22,867	15,103
Nadia district	10,177	17,272
Murshidabad district	6,300	11,002
Jessore district	20,227	14,579
Khulna district	12,382	15,718
Dacca district (excluding town) ...	19,996	20,149
Mymensingh, A district	27,620	20,588
Mymensingh, B district		27,245
Faridpur district	23,245	27,422
Bakarganj, A district	70,050	16,535
Bakarganj, B district		22,366
Bakarganj, C district		13,514
Chittagong district	31,519	27,946
Tippera district	25,021	21,105
Noakhali district	23,357	26,095
Rajshahi district	34,206	19,370
Dinajpur district	15,786	28,819
Jalpaiguri district	8,617	8,893
Malda district	4,016	7,468
Rangpur district	25,687	42,489
Bogra district	8,717	12,379
Pabna district	12,075	13,765
Total ...	422,900	445,216

Non-Muhammadan urban constituencies.

CONSTITUENCY	Number of voters according to original estimate.	Number of voters according to draft electoral rolls
Calcutta, A	31,630	4,200
Calcutta, B		3,900 (approximate)
Calcutta, C		4,350
Calcutta, D		4,047
Calcutta, E		1,828
Calcutta, F		3,000 (approximate).
Hooghly, municipal	12,092	10,062
Howrah, municipal	11,410	8,730
24-Parganas, A	27,743	14,285
24-Parganas, B		12,562
Dacca town	5,166	4,240
Total ...	88,041	71,204

Non-Muhammadan rural constituencies.

CONSTITUENCY.	Number of voters according to original estimate	Number of voters according to draft electoral rolls.
Burdwan district	41,736	26,126
Birbhum district	13,770	14,719
Bankura district	38,426	28,512
Midnapore { A. Ghatal and Sadar ...	64,276	A. 24,332 } 40,862
Midnapore { B. Contai and Tamluk ...		B. 16,530
Howrah } non-municipal	35,450	10,153 } 29,215
Hooghly } non-municipal		19,062
24-Parganas, A } non-municipal ...	78,795	8,582 } 29,005
24-Parganas, B } non-municipal ...		12,096
24-Parganas, C } non-municipal ...		8,327
Nadia district	22,986	22,430
Murshidabad district	17,378	16,619
Jessore district	48,755	17,117
Khulna district	23,717	18,437
Carried over ...	383,270	243,342

Constituency	Number of voters according to original estimate	Number of voters according to draft electoral rolls
Brought forward ...	383,270	243,312
Dacca district (excluding town) ...	27,670	14,681
Mymensingh, A } ... ... Mymensingh, B }	29,765	11,200 } 28,727 17,527
Faridpur district	14,688	24,287
Bakarganj, A } ... .. Bakarganj, B }	59,298	14,541 } 25,341 10,801
Chittagong district	24,820	11,298
Tippera district	18,836	12,606
Noakhali district	8,612	9,832
Rajshahi district	17,019	8,8[illegible]7
Dinajpur district	15,721	24,714
Jalpaiguri district	20,853	14,467
Rangpur district	29,896	25,977
Bogra district } ... ... Pabna district }	5,466 } 17,075 11,609	4,327 } 13,965 9,638
Malda district	7,613	8,089
Total ...	698,156	466,184

By the Hon'ble Babu Akhil Chandra Datta:—

23.

(*i*) Are the Government aware that the released *detenus* find great difficulty in obtaining employment in educational institutions and elsewhere owing to suspicion existing in the minds of the people that they are likely to incur the displeasure of Government by employing them? Employment of released *detenus*.

(2) (*i*) Is it a fact that Mr. B. C. Chatterji, Barrister at Law, made a representation to Government on this subject and that the Hon'ble Mr. H. L. Stephenson communicated to him on behalf of Government the assurance that Government will neither object to, nor in any way interfere with, the released *detenus* obtaining employment in educational institutions?

(*ii*) If so, will the Government be pleased to consider the desirability of giving a similar assurance in regard to the private employment of released *detenus* in all places by all people?

Answer by the Hon'ble Mr. Stephenson:—

" (*1*) Government are aware that released *detenus* often have considerable difficulty in obtaining employment and that one of the reasons for this is the reluctance of private employers to take on men of their antecedents.

(2) (*i*) Mr B C. Chatterji referred in a private letter to Mr. Stephenson to the question of the employment in educational institutions of persons who before their internment had been teachers in schools. In the course of his reply Mr. Stephenson said: 'The line laid down is the one I sketched out to you in our interview, namely this: there are obvious objections to a *détenu* or State prisoner taking up teaching as a profession, and Government cannot conscientiously give any facilities or assistance in obtaining teaching employment for these men. The Education Department naturally is rightly averse from having them in their service, and it would be most unfair for Government to put any pressure on that department, seeing that the responsibility for the welfare of the pupils lies on the Education Department At the same time Government will not in any way interfere to turn these men out of employment as teachers if they are able to obtain it.'

(*ii*) The Hon'ble Member is referred to the *communiqué*, a copy of which is attached, issued by the Bengal Government on the 1st March, 1920."

Press communiqué referred to in the answer to question No. 23 (unstarred asked by the Hon'ble Babu AKHIL CHANDRA DATTA *at the meeting of the 1st July, 1920.*

In connection with the recent releases from detention and surveillance of a number of youths who had been dealt with under Regulation III of 1818 and the Defence of India Act, it has been represented to the local Government that private employers, fearing harassment to themselves, are diffident about giving them employment. It is desirable therefore that the attitude of the local Government should be made clear.

It is the hope of the Governor in Council that these youths will speedily settle down to honest lives The finding of regular and reputable work will conduce most speedily to this end, and the local Government have helped and are helping in individual cases to secure employment. So long as these persons keep clear of revolutionary conspiracy there is no intention of exercising surveillance over them It is not appropriate that they should take up the profession of teaching, but there is no objection to their resuming their own studies.

CALCUTTA,

The 1st March, 1920.

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur—

24.

(*a*) Is it a fact—

(*i*) that the Haterkool Oil Company, Limited, has constructed a row of privies for the use of their operatives within a few feet of the Haterkool bathing ghat at Konnagore, subdivision Serampore district Hooghly?

(*ii*) that these privies emit bad odour and foul effluvia and that the foul water from them is discharged into the river Hooghly to the detriment of the health and to the inconvenience of the local people who bathe in the river and drink water therefrom?

(*b*) (*i*) Is it a fact that the people of the locality sent a memorial to the Sanitary Commissioner of Bengal?

(*ii*) If so, what steps have been taken in the matter?

(*c*) Are the Government considering the desirability of taking necessary steps for the removal of this grievance of the people of the locality?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) (*i*) The Haterkool Oil Company has constructed a four-seated aqua privy on their premises, which adjoin the ghat in question. The exact distance from the ghat is not known, but it is probably over 50 feet.

(*ii*) It has been reported that the privy emits a bad smell and is also obnoxious as the breeding place of flies. The effluent is discharged through a small filter bed into the river Hooghly.

(*b*) (*i*) The Sanitary Commissioner received a letter on the subject from Babu Hari Sadhan Banerji of Haterkool.

(*ii*) and (*c*) The officiating Inspector of Septic Tanks inspected the latrine, the Sanitary Commissioner also visited the place. The latrine having been found to be defective, the Company has been directed to make the necessary improvements."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

25.

(*a*) Are the Government aware that the inhabitants of several villages on the other side of the Damodar river memorialized the District Board for the construction of two feeder roads from the Tarkeswar railway station (E. I. Ry.) to two places on the left embankment of the river? Construction of feeder roads

(*b*) If so, are the Government considering the desirability of taking steps in the matter?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The answer is in the affirmative.

(*b*) An application was received by the Hooghly District Board for the construction of two feeder roads from the Tarkeswar railway station to Kanaria ghat and Jeara ghat on the Damodar river. As the alignment to Kanaria ghat was unnecessarily long, the District Board have instructed their engineer to examine the feasibility of constructing a road from Tarkeswar to Kultikri. As Jeara is close to the Tarkeswar-Jamdara District Board road, the District Board have decided that the Union Board, which is about to be constituted in the locality should connect Jeara with that road. The intervention of Government does not appear to be necessary."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

26.

(*a*) Are the Government aware that influenza has broken out in epidemic form in several villages within the Arambagh subdivision and that some people have succumbed to it? Outbreak of influenza in the Arambagh subdivision

(*b*) If so, are the Government considering the desirability of calling upon the sanitary authorities to distribute influenza pills through itinerant doctors?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) The answer is in the negative. Neither the Civil Surgeon nor the Subdivisional Officer of Arambagh is aware of any outbreak of influenza, while the weekly reports of the Arambagh municipality show that there has been no case of influenza for two months."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

27.

Concession tickets on the East Indian Railway

Will the Government be pleased to state the cause of the delay in the revival of concession tickets by the East Indian Railway authorities?

Answer by the Hon'ble Mr. Cowley:—

"The Government of Bengal have no information on the subject. The introduction of concession fares is a matter which rests with the Railway authorities concerned."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

28.

Narrowness of the main road from Mahes to Rishra.

(*a*) Are the Government aware that the main road from Mahes to Rishra in the sub-division of Serampore in the Hooghly district is so narrow in places that motor-car accidents occur and the road is dangerous to traffic?

(*b*) Are the Government considering the desirability of taking steps to remedy this grievance of the people of the locality?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) No reports of motor-car accidents or danger to traffic owing to the insufficient width of the Trunk Road between Mahes at mile 11½ and Rishra at mile 14, in the Serampore sub-division, have come under the notice of Government.

The width of the crest of the road in the abovenamed miles varies from 19 to 40 feet.

(*b*) It has been ascertained that there is some congestion, at certain hours of the day, in the short length of ¾ mile from mile 12¼ to mile 13, where the crest of the road is from 21 to 32 feet in width. The congestion is due to local causes and could not be relieved without acquisition of valuable land at considerable expense. No project for widening this portion of the road has been initiated."

By the Hon'ble Sir Deba Prasad Sarbadhikari:—

29.

The Provincial Judicial Service.

(*1*) Is it not a fact—

(*a*) That a candidate for the Provincial Judicial Service necessarily exceeds the age of 25 years before being qualified for enrolment as a candidate for the service because the qualifications for enrolment as a candidate are—

(*i*) that he must have obtained the B.L. degree.

(*ii*) that ordinarily he must have completed three years' practice at the Bar?

(*b*) That in consideration of this difficulty the Public Services Commission recommended that members of the Provincial Judicial Service may reckon as service qualifying for superannuation pension, the number of completed years, not exceeding five, by which their age at recruitment exceeded twenty-five years?

(*c*) That in some of the services, like the Educational Service, candidates ordinarily complete their university course and are qualified for service before

aining twenty-five years and the members of those services have been owed to reckon as service, qualifying for superannuation pension, the nber of completed years of service, not exceeding five, by which their at recruitment exceeded twenty five years under the Government of ha Resolution No 1085 E.A., dated Delhi, the 15th November 1919?

(*d*) That this benefit has not been expressly extended by the Government India Resolution to members of the Provincial Judicial Service and that re is a keen sense of disappointment among the members of that service consequence?

(*e*) That unless the benefit be extended to the Provincial Judicial Service members of that service will not be entitled to get the maximum reased pension sanctioned under the said Government of India solution?

(*2*) Are the Government considering the desirability of addressing the overnment of India on the subject with a view to removing the grievances the members of the Provincial Judicial Service?

nswer by the Hon'ble Mr. Roy:—

"(*1*) (*a*) Yes.

(*b*) Yes

(*c*) Yes

(*d*) Orders of the Government of India have been received declaring embers of the Provincial Judicial Service eligible for the concession

(*e*) Does not arise

(*2*) Does not arise

y the Hon'ble Mr. F. M. Leslie:

30.

(*1*) Will the Government be pleased to state— The Doveto College and Trust Funds

(*a*) the sum realized by the sale of the remnants of the Doveton College roperty, and

(*b*) where these funds are at present, by whom they are held and how nd under what conditions the income of the capital sum is applied?

(*2*) (*a*) What other funds do the Government hold in trust for the edu ation of Europeans and Anglo Indians?

(*b*) Where are these funds at present, by whom are they held and how nd under what conditions is the income of each of these funds applied?

Answer by the Hon'ble Mr. O'Malley:

"(*1*) (*a*) Rs 92,135

(*b*) This sum was invested in Government promissory notes, which are eld by the Accountant General, Bengal The income is expended in accord ance with the rules issued with Notification No 195 T. Edn., dated 6th June, 1918 of which a copy is laid on the library table.

(*2*) (*a*) and (*b*) Of the sum of ten lakhs placed at the disposal of Government under the Sussex trust 3 lakhs are intended for the grant of scholarships to Europeans and Anglo-Indians, 2½ lakhs for the construction of a boys' orphanage by the Irish Christian Brothers, and 2 lakhs for adding to the accommodation at the Dow Hill Girls' School at Kurseong. These sums

are invested in war bonds which are held by the Treasurer, Charitable Endowments, Bengal. Copies of Notifications No. 1842 Edn. and No. 1843 Edn., dated 22nd November, 1919, are laid on the library table."

By the Hon'ble Babu Siv Narayan Mukharji:—

31.

The Damodar river.

Will the Government be pleased to state—

(*a*) (*i*) Whether the report on the Damodar anti-flood reservoir scheme the execution of which was entrusted to a special officer, Mr. Glass, has since been received by Government, and, if so, what action is being taken in the matter?

(*ii*) What is the probable estimated cost of the whole scheme?

(*b*) What improvements have been effected in the lower, middle and upper reaches of the Damodar river, and what total expenditure has been incurred up to the end of the quarter ending 30th June, 1920?

(*c*) (*i*) What steps have been taken to reclaim the Rohra khal, Gopimohanpur khal, Pagla khal, Behala Chak basins and other silted up khal within the flood zone, the improvement of which is necessary for the proper drainage of a vast submerged area?

(*ii*) How many refuge mounds are in course of construction along the whole length of the right embankment to give protection to villagers whose houses are close to the embankment, and what is the area of such mounds?

(*iii*) Are the Government considering the desirability of constructing similar mounds within the villages in the flood zone and lying at a considerable distance from the right embankment, and, if so, when the work is likely to be taken up?

(*d*) Whether the survey of the spill area in the contemplation of Government has since been completed, and, if so, what policy is to be pursued in the matter?

(*e*) The stage at which the proposed Damodar canal project, Dewsha project and Uchanala scheme stand at present and whether the Government are considering the desirability of taking up the scheme at an early date?

(*f*) When the reclamations of the Roukhmi Daha and the Garool Bheel are to be taken up?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) (*i*) and (*ii*) Yes, the report has been technically criticised and is now under further consideration, the estimated cost of constructing reservoirs alone amounts to 2 crores of rupees.

(*b*) The question is not understood, no proposals have been made for any improvement to the Damodar river.

(*c*) (*i*) The estimate of the Rohra khal project is now practicably complete; the project for the improvement of the Gopimohanpur khal has been examined and abandoned on technical grounds; no projects for the improvement of the Pagla khal or of any khal in the Behala Chak basins have as yet been taken up.

(*ii*) Five mounds are under construction, and twelve more will be taken up later. The area of the top of the mound is on an average 6,800 square feet and the average cost of each mound is Rs. 1,650.

(*iii*) No; the cost of erection of mounds in the interior would be very heavy, and owing to the system of flood warnings introduced subsequent to the flood of 1913, it is reasonable to expect that in the event of a similar disastrous flood the people would have ample time to reach places of safety, and that no serious loss of human or animal life would occur.

(*d*) Yes, the survey has now been completed to the boundary of the Burdwan and Bankura districts; it is now being plotted on paper. The policy to be followed for the disposal of the flood water of the Damodar, as a result of this survey, is to push on with the excavation of the exit channels into the Rupnarain river. The Government of Bengal are now in correspondence with the Government of India regarding the purchase of a dredger, to cost 34 lakhs of rupees, for this purpose.

(*e*) The Damodar Canal project is being redesigned, it will take a year at least to complete. Recent technical study of the Reservoir project for controlling the floods of the Damodar shows that it may be essential to provide an escape for the flood water *viâ* the Devkhal into the Darkesar river. The proposal is a bold one, necessitating a long and careful investigation into the effect of such a scheme on the flood levels of the Darkesar. The Uchanala project has been coppleted.

(*f*) Nothing can be definitely stated as to when these projects will be taken up; the surveys are well in hand and more than half the survey work has been completed."

By the Hon'ble Babu Siv Narayan Mukharji:—

32.

Will the Government be pleased to state the reasons for the delay in forming the Damodar Public Works Division, and the approximate date when the division is likely to be created? Damodar Pu Works Divis

Answer by the Hon'ble Mr. Cowley:—

"The Hon'ble Member is referred to the answer given to unstarred question No. 44 (*a*) at the meeting of this Council held on the 3rd July, 1919. The Government of India have been addressed on the subject and sanction to the formation of the Khulna Division is awaited. The Damodar Division will be created as soon as the Khulna Division has been formed, but no date can be given for the formation of the division."

By the Hon'ble Babu Siv Narayan Mukharji:—

33.

Will the Government be pleased to state if any meetings of the Damodar standing committee, the formation of which had been notified long ago, were held? If so, will the Government be pleased to lay on the table the minutes of the proceedings of such meetings? Damodar standing committee.

Answer by the Hon'ble Mr. Cowley:—

"At the meeting of the Bengal Legislative Council held on the 19th February, 1918, the Hon'ble Rai Mahendra Chandra Mitra Bahadur moved a resolution recommending to the Governor in Council that standing committees of officials and non-officials for the districts in the Damodar basin be constituted in accordance with the terms of the resolution of the 3rd July, 1906. The resolution was accepted by the Governor in Council and standing

committees were appointed in October, 1918, for the districts of Burdwa Hooghly and Howrah. Two meetings of the Howrah standing committ have been held—one in December 1918 and one in April 1920; the proceedin are recorded in the office of the Collector. Copies of the proceedings a placed on the library table."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

34.

Inconvenience to passengers on the Bandel-Barharwa Loop Line.

(*1*) Will the Government be pleased to state whether a memori addressed to His Excellency the Governor has been received, drawing H Excellency's attention to the serious inconveniences which passengers are no put to on the Bandel-Barharwa Loop Line of the East Indian Railway?

(*2*) Is it a fact—

(*a*) that there is no waiting-room for ladies at some of the statio on this line and that in places the platforms are so low th passengers, particularly women and children, experience co siderable difficulty in getting into and out of trains?

(*b*) that in the City booking offices in Calcutta tickets are not issue to the three stations (Jeerut, Somra and Bagnapara) whic were opened to passenger traffic in September, 1919, and th in consequence passengers must take tickets to the next neare station, and walk considerable distances to reach thei destination?

(*c*) that several representations were made to the Agent and to th Traffic Manager of the East Indian Railway by the travellin public and also by the Secretary, Passengers' Association, pray ing for some alterations and improvements in train service especially the running of a mid-day train as before the wa for the convenience of people having business in Calcutta?

(*3*) Are the Government considering the desirability of taking step to remedy the above grievances and others mentioned in the memorial referre to above?

Answer by the Hon'ble Mr. Cowley:—

"(*1*) Yes.

(*2*) Government have no information in regard to the points referre to by the Hon'ble Member, they are connected with the working and interna economy of the Railway which the management is competent to provide for

(*3*) No. The memorial referred to was forwarded to the Railwa management for such action as might be considered necessary."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

35.

The provincial executive service.

(*a*) Will the Government be pleased to state whether there is any rule against posting officers of the provincial executive service in their own native districts?

(*b*) If the reply be in the negative, are the Government considering the desirability of making a rule to the effect that members of the provincial executive service shall not be posted to their own native districts?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) There is no actual rule prohibiting the employment of a provincial service officer in his native district, but in practice an officer is not posted to his native district if this can conveniently be avoided.

(*b*) Government do not consider it desirable to tie their hands further by a hard and fast rule."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

36.

Will the Government be pleased to state whether the scheme proposed by Mr. Sailendra Nath Banarji, Executive Engineer, for the improvement of the Dolai Khal and Tulsi Khal in the district of Dacca has been approved by the Government, and, if so, when they propose to take the works in hand? The Dolai and Tulsi Khal

Answer by the Hon'ble Mr. Cowley:—

"The projects in question have not yet been approved by Government. The Hon'ble Member's attention is invited to the answer given to unstarred question No. 10 of the Hon'ble Rai Sri Nath Ray Bahadur at the meeting of this Council on the 29th March, 1920, and to the answer given to unstarred question No. 8 of the Hon'ble Babu Brojendra Kishor Ray Chaudhuri at the meeting of this Council on the 3rd July, 1919. It is not possible to give any further information until the orders of the Government of India on the proposals for the reorganization and stengthening of the Irrigation Branch of the Public Works Department are received."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

37.

Will the Government be pleased to state— The Dacca Eden Female School

(*a*) whether there is any proposal to raise the Dacca Eden Female School to the status of an intermediate college; and

(*b*) the lines of any scheme which may have been made in this connection?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) There is no such proposal before Government at present. A report from the Director of Public Instruction on the question of establishing an intermediate college for girls at Dacca is expected shortly."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

38.

Will the Government be pleased to state whether there is any proposal to establish at once an Intermediate College for Girls to be attached to the Eden High School as recommended by the Calcutta University Commission? The Eden High School.

Answer by the Hon'ble Mr. O'Malley:—

"The Hon'ble Member is referred to the reply given to unstarred question No. 37."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

39.

Will the Government be pleased to state— The Dacca sewerage sch

(*a*) what progress has been made with regard to the sewerage scheme for the city of Dacca; and

(*b*) when the work is likely to be completed?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The contractor for sewer construction has completed—

(1) a 4′ 0″ brick sewer about two-thirds of the total length of 1,0(feet,

(2) a 2′ 9″ brick sewer about two-fifths of the total length of 1,1: feet and

(3) a 2′ 0″ brick sewer about two-fifths of the total length of 1,7(feet.

He has also in the face of great difficulty nearly completed the found: tions and sides of the main receiving well. A contract for the pumpir machinery has been made and the building of the engine house will beg shortly. A contract has also been made for the rising main from the pum ing station to the outfall works. Preparation of drawings, etc., for the ou fall works, public latrines, etc., are in hand.

(*b*) It is expected that the pumping station will be ready and most (the sewers of the initial scheme laid by the end of June, 1921."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

40.

The Dacca University.

Will the Government be pleased to state—

(*a*) what action has been taken to establish the Dacca University, an

(*b*) when it is likely to be established?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) The Dacca University cannot be established until th Dacca University Act is brought into force, but under section 51 of the Act the Vice-Chancellor may take action for the purpose of bringing the Univer sity into force. The Vice-Chancellor has not been appointed by the Governor General in Council, but in anticipation of his appointment His Excel lency the Governor, as prospective Chancellor, and the Government of Benga have been taking preliminary action. A sum of Rs. 10 lakhs has bee provided in the budget for expenditure in connection with the University An officer has been put on special duty in connection with the preliminar arrangements His Excellency has approved the lay-out of the Universit and selected sites for different institutions. The Sanitary Engineer i preparing a sewerage scheme. Orders have issued for the acquisition of lan for the Moslem Hall. The Superintending Engineer, Eastern Circle is engaged in the preparation of plans for the Jagannath and Dacca Hall and for the training department of the University. The Dacca Engineering School has been moved into the press building, and the buildings formerl occupied by it are being used for the accommodation of the first and secon year students of the Dacca College so that an intermediate college may b started. The Superintending Engineer is at work on plans for additiona buildings for another intermediate college which it is proposed to locate i the Jagannath College; and orders have issued for the acquisition of land for a third intermediate college in Gandaria. His Excellency the Governo has also written to the Secretary of State regarding the selection of candi- dates for some of the appointments in the Dacca University in anticipation of the constitution of the advisory committee referred to in section 50 of the Act before which the names of candidates will be laid. The Government of India have also been urged to appoint the Vice-Chancellor as soon as possible, and to arrange for his joining the appointment at an early date."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

41.

Will the Government be pleased to state whether any steps and, if so, what steps have been taken to establish faculties of medicine and agriculture in connection with the Dacca University? The Dacca University.

Answer by the Hon'ble Mr. O'Malley:—

"Faculties of medicine and agriculture cannot be established in connection with the Dacca University until the Dacca University Act comes into force. Under section 51 of the Act, however, the Vice-Chancellor may take action for the purpose of bringing the University into being, and when he is appointed it is proposed to consult him as to the possibility of taking preliminary steps to facilitate the establishment of faculties of medicine and agriculture when the University starts."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

42.

The Provincial Judicial Service.

(*a*) In reference to the reply given by the Hon'ble Mr. Stephenson to the question of the Hon'ble Babu Kishori Mohan Chaudhuri at the meeting of the Council of the 7th April, 1920, that a final decision would shortly be arrived at in respect of the reorganization of the Provincial Judicial Service, are the Government aware that a feeling of uneasiness and anxiety prevails amongst the members of that service in consequence of no *communiqué* having been yet issued on the subject?

(*b*) Will the Government be pleased to state—

(*i*) whether the Government of India have finally expressed their opinion on the adoption of the scheme in Bengal;

(*ii*) whether the Hon'ble Judges of the High Court have been consulted in the matter, and, if so, will the Government be pleased to lay on the table the considered opinions of the Hon'ble Judges, if received,

(*iii*) whether any final decision has been arrived at by Government on the subject, and

(*iv*) when it can reasonably be expected for the decision of Government to be made public?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) A few letters have been received from members of the Service expressing the wish that early orders may be issued regarding their future pay, and articles to the same effect have appeared in the press.

(*b*) (*i*) The orders of the Government of India are awaited on the maximum pay for munsifs proposed by the local Government.

(*ii*) The Hon'ble Judges of the High Court were consulted on the whole scheme, but at this stage it is not proposed to make public the papers.

(*iii*) and (*iv*) The final decision of Government must await the orders of the Government of India on the subject of the maximum pay for munsifs. The orders of that Government may be expected shortly, and the whole scheme of emoluments will then be published."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

43.

The Provincial Judicial Service.

In view of the powers conferred on the Local Government by letter No. 1706 E.B., dated the 12th September, 1919, of the Government of India, Finance Department, and in consideration of the abnormal rise in the cost of living, are the Government considering the desirability of—

(*a*) granting daily allowances at increased rates to Judges of regularly constituted Small Cause Courts and other members of the Provincial Civil Service, and

(*b*) of allowing the members of the Provincial Judicial Service the benefits of the new pension rules, enabling officers who entered Government service after the completion of their twenty-fifth year to count as service qualifying for pension the full number of years by which their age at the time of confirmation in the service exceeded 25 years as has been done in the case of officers of the Provincial Educational Service?

Answer by the Hon'ble Mr. Roy:—

"(*a*) No such proposal is at present under the consideration of Government.

(*b*) This concession has recently been allowed."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

44.

The Director of Industries.

Will the Government be pleased to state—

(*a*) whether the Director of Industries has been also acting as the Meteorologist of Calcutta, since his confirmation in the former post;

(*b*) whether the exercising of these dual functions by the same officer is necessary in the best interests of both the Departments;

(*c*) if the answer to (*b*) be in the affirmative, will the Government be pleased to lay on the table the correspondence with the Government of India on the basis of which such appointment was made, and

(*d*) if the answer to (*b*) be in the negative, will the Government be pleased to state—

(*i*) whether they addressed the Government of India on the desirability of appointing another Meteorologist, and

(*ii*) if so, when?

Answer by the Hon'ble Mr. Marr:—

"(*a*) Yes.

(*b*) The circumstances in which the arrangement was made are explained below.

(*c*) No. The facts are briefly that in the year 1917, this Government agreed to the appointment of Mr. Meek as Meteorologist on the suggestion of the Director-General of Observatories, and that he has remained in the post at the special request of the same officer until the permanent incumbent returns from leave on the 7th July, 1920.

(*d*) See answer to (*b*)."

the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

15.

Meteorologist of Calcutta.

(*a*) Will the Government be pleased to give the names of the Meteorgists of Calcutta for the last twenty years and state how many of them o held the post of Senior Professor of Physics in the Presidency College at same time?

(*b*) Will the Government be pleased to state—

(*i*) what qualifications are required for the post of Meteorologist of Calcutta; and

(*ii*) what qualifications are possessed by Mr Meek and the present Senior Professor of Physics in the Presidency College so far as meteorological work is concerned?

nswer by the Hon'ble Mr. McAlpin:—

" (*a*) A statement is laid on the table

(*b*) (*i*) and (*ii*) The Government of Bengal are not in a position to reply garding the qualifications required for a post under the Government of dia."

atement referred to in answer to question No 15 (unstarred) asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *at the meeting of 1st July, 1920.*

Names of officers	Designation.
(1) C. Little, Esq., M.A. ...	Meteorological Reporter to the Government of Bengal.
(2) G. W Kuchler, Esq., M.A. ...	Offg Meteorological Reporter to the Government of Bengal.
(3) C. Little, Esq., M.A. ..	Meteorological Reporter to the Government of Bengal.
(4) V. H. Jackson, Esq., M.A. ...	Offg. Meteorological Reporter to the Government of Bengal.
(5) C. Little, Esq., M.A. ...	Meteorological Reporter to the Government of Bengal.
(6) G. W. Küchler, Esq., M.A. ...	Ditto ditto.
(7) J. A. Cunningham, Esq., B.A	Offg. Meteorological Reporter to the Government of Bengal.
(8) C W. Peake, Esq., M.A. ...	Meteorologist, Calcutta.
(9) E. P. Harrison, Esq., Ph.D. ...	Offg. Meteorologist, Calcutta.
(10) C. W. Peake, Esq., M.A. ...	Meteorologist, Calcutta.
(11) E. P. Harrison, Esq., Ph.D. ...	Offg. Meteorologist, Calcutta.
(12) C. W. Peake, Esq., M A. ...	Meteorologist, Calcutta.
(13) E. P. Harrison, Esq., Ph.D. .	Offg. Meteorologist, Calcutta.
(14) C. W. Peake, Esq., M.A. ...	Meteorologist, Calcutta.
(15) E. P. Harrison, Esq., Ph.D. ...	Offg. Meteorologist, Calcutta.
(16) C. W. Peake, Esq, M.A. ...	Meteorologist, Calcutta.
(17) E. P. Harrison, Esq., Ph.D. ...	Offg. Meteorologist, Calcutta.
(18) C. W. Peake, Esq, M.A. ...	Meteorologist, Calcutta.
(19) D. B. Meek, Esq., M.A., D.Sc. ...	Offg. Meteorologist, Calcutta.

	Period of Service. From	To	Other appointment.	
(1)	22-8-1898	24-7-1900	Professor of Mathematics,	Presidency College.
(2)	25-7-1900	27-9-1900	Professor of Physics,	ditto.
(3)	28-9-1900	3-11-1902	Professor of Mathematics,	ditto.
(4)	4-11-1902	7-11-1902		
(5)	18-11-1902	15-3-1904	Professor of Mathematics,	ditto.
(6)	16-3-1904	1-10-1905	Professor of Physics,	ditto.
(7)	2-10-1905	26-4-1906	Professor of Chemistry,	ditto.
(8)	27-4-1906	23-3-1909	Professor of Physics,	ditto.
(9)	21-3-1909	12-12-1909	Professor of Physics,	ditto.
(10)	13-12-1909	12-4-1911	Professor of Physics,	ditto.
(11)	13-4-1911	4-3-1912	Professor of Physics,	ditto.
(12)	5-3-1912	16-7-1912	Professor of Physics,	ditto.
(13)	17-7-1912	19-8-1912	Professor of Physics,	ditto.
(14)	20-8-1912	26-9-1912	Professor of Physics,	ditto.
(15)	27-9-1912	29-10-1912	Professor of Physics,	ditto.
(16)	30-10-1912	16-4-1913	Professor of Physics,	ditto.
(17)	17-4-1913	5-11-1914	Professor of Physics,	ditto.
(18)	6-11-1914	8-5-1917	Professor of Physics,	ditto.
(19)	9-5-1917	...	Professor of Physics,	ditto.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

46.

The Director of Industries.

Will the Government be pleased to state—

(*i*) whether the services of the Director of Industries are still lent to the Munitions Board as Controller of Munitions; and

(*ii*) if so, what is the nature of his duties in that connection?

Answer by the Hon'ble Mr. Marr:—

"(*i*) The Director of Industries is also Controller of Munitions in addition to his own duties.

(*ii*) The final adjustment of the commitments of the Bengal Munitions Board."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

47.

The Department of Industries.

(*a*) Are the Government aware that the recommendations of the Industrial Commission raised high hopes in the public mind?

(*b*) Will the Government be pleased to lay on the table a short statement of the work done by the Department of Industries during the last six months, particularly on the following heads—

(*i*) information supplied to *bonâ fide* industrialists;

(*ii*) expert advice given;

(*iii*) promotion of new companies guided;

(*iv*) factories erected or designed;

(*v*) industrial concerns visited;

(*vi*) industrial research undertaken;

(*vii*) markets for local manufacture found; and

(*viii*) industrial and technical education organised?

(*c*) Has the Director of Industries submitted any scheme for—

(*i*) the collection of industrial intelligence;

(*ii*) the development of cottage industries;

(*iii*) the establishment and working of demonstration factories; and

(*iv*) financial aid to industries?

(*d*) In reference to the replies given to Unstarred Questions Nos. 18 and 25 asked at the meetings of Council of the 3rd February and 5th March last, will the Government be pleased to state—

(*i*) whether the consideration of the proposal of the Director of Industries is near completion;

(*ii*) whether the proposal is being considered by this Government, the Government of India or the Home Government; and

(*iii*) when the proposal was submitted?

Answer by the Hon'ble Mr. Marr:—

"(*a*) It is understood that, generally speaking, the recommendations of the Industrial Commission were welcomed by the educated public.

(*b*) A copy of the Report on the Administration of the Department of Industries up to the 31st December, 1920, was laid on the table at the meeting of the Legislative Council on the 3rd February, 1920. The Director has been instructed to submit annual reports in future. Government do not think it desirable to call for more frequent statements of the work which is being done.

(*c*) No. The department is only in process of being organised.

(*d*) (*i*) The consideration of that portion of the proposals of the Director which deals with the organisation of the department is nearing completion.

(*ii*) and (*iii*) The proposals regarding Factory Inspectors were referred to the Government of India on the 18th February, 1920. The proposals regarding the pay of the posts of Deputy Director of Industries and Industrial Engineer were submitted to the Government of India on the 12th June, 1920. All the other proposals are still under the consideration of this Government."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

48.

Will the Government be pleased to state—

The Directo Agriculture and Fisheri

(*a*) what are the salaries and allowances of the different posts now held by the officiating Director of Agriculture and Fisheries.

(*b*) what training and experience he has had regarding fishery matters;

(*c*) whether the above officer is also the special Fibre expert to the Government of India, and if so, what are his allowances as such;

(*d*) what work he has done in that capacity up to date;

(*e*) how many days he was out on tour in connection with this work and in what localities;

(*f*) (*i*) Is it a fact that Dr. Baini Pershad of the Fisheries Department resigned his post,

(*ii*) if so, what were the reasons for his doing so,

(*iii*) what were his qualifications in regard to fishery matters, and

(*g*) What are the qualifications of the Superintendnts of Agriculture?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*), (*b*) and (*c*) The Hon'ble Member is referred to page 393 of the Quarterly Civil List for Bengal corrected up to 1st April, 1920. The officiating Director of Agriculture draws, pending the determination of his pay according to the scheme of reorganisation recently sanctioned by the Secretary of State, Rs. 1,250 per mensem as officiating Director and a duty allowance of Rs 200 per mensem in connection with certain advisory and research fibre work undertaken on behalf of the Government of India. He is not actually the officiating Director of Fisheries; that post has been kept vacant pending the selection by the Secretary of State of an officer as Director of Fisheries. Meanwhile however the Fishery Department has again been placed under the control of the Director of Agriculture, to whose charge it previously appertained. The officiating Director of Agriculture draws no special allowance for this work This arrangement has been made as a matter of administrative convenience, because, owing to casualties in the Fisheries Department, there is no one in it at present fit to take charge of it even temporarily Government are not aware that the officiating Director of Agriculture has any training or experience regarding fishery matters.

(*d*) Apart from his advisory work in this connection, the chief item of fibre work undertaken for the Government of India is an investigation into the production of improved sunn hemp fibre.

(*e*) At present it involves no touring; it was on this understanding that the arrangement was made.

(*f*) (*i*) Yes.

(*ii*) In order to obtain a post in the Zoological Survey of India, involving more congenial work.

(*iii*) D. Sc. and considerable zoological experience.

(*g*) The Hon'ble Member is referred to page 393 of the Civil List corrected up to 1st April, 1920."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

49.

Boiler, factory and smoke nuisance inspectors.

(*a*) Will the Government be pleased to state—

(*i*) why no Indians have been appointed as boiler inspectors, factory inspectors and smoke nuisance inspectors in Bengal;

(*ii*) what qualifications are required of candidates for these posts; and

(*iii*) what is the procedure for their appointment thereto?

(*b*) Is it a fact that the Public Services Commission recommended complete Indianisation of these services?

(*c*) If so, are the Government considering the desirability of taking steps to give effect to this recommendation?

(*d*) Will the Government be pleased to state whether opportunities will be given to Indians to fill up the two news posts of factory inspectors?

Answer by the Hon'ble Mr. Marr:—

FACTORY DEPARTMENT.

"(*a*) (*i*) Because no qualified Indian has so far been available.

(*ii*) A liberal education, a good theoretical knowledge of engineering science and a thorough practical experience in mechanical engineering, also a general knowledge of the principles of sanitation. In the case of selections in India, practical experience of factories in the country, without experience in Europe, will suffice Age limit 30 years.

(*iii*) The procedure is to advertise the vacancies locally, and if suitable men are not available, to apply to the Secretary of State to recruit men in the United Kingdom.

(*b*) No. The Public Services Commission recommended that Inspectors of Factories should ordinarily be recruited in India after advertising vacancies, but that recruitment should not necessarily be confined to natives of India; further that, only if no qualified candidate is procurable locally should steps be taken for the appointment of officers from Europe, the selection being made after advertisement and with the advice of the Home authorities.

(*c*) Effect has already been given to the Commission's recommendations.

(*d*) In an advertisement of September, 1919, an Indian was specifically mentioned as required to fill a factory inspectorship, but no suitable candidate came forward."

BOILER AND SMOKE NUISANCES INSPECTORS.

"(*a*) (*i*) Indians with required qualifications are not at present available

(*ii*) Candidates are required to hold first class Board of Trade Certificates

(*iii*) Appointments are made direct from the qualified candidates in this country Vacancies are advertised in the papers

(*b*) No The Public Services Commission recommended that all appointments of boiler inspectors should continue to be made in India but that selection should not be absolutely limited to statutory natives of India. It was also recommended that it should be made clear in the rules that Indians are eligible for appointment The appointment of Smoke Nuisances Inspectors was not considered by the Public Services Commission

(*c*) The point does not arise"

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

50.

With reference to the answer given to my unstarred question No 6 of the 7th April last, regarding the total expenditure on Sanskrit education, will the Government be pleased to state how the said expenditure compares with that of *madrassas*, *maktabs* and other Muhammadan educational institutions, during the corresponding periods? **Sanskrit education.**

Answer by the Hon'ble Mr. O'Malley:—

"A statement is laid on the table."

Statement referred to in the answer to Question No. 50 (Unstarred) asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *at the meeting of 1st July, 1920, showing the total expenditure on Sanskrit education, madrasas and maktabs for the years 1915-16 to 1919-20.*

Year	Expenditure on Sanskrit education	Expenditure on Madrasas	Expenditure on maktabs
	Rs.	Rs.	Rs.
1915-16 ...	... 48,480	1,44,907	36,879
1916-17 ...	... 53,080	1,59,643	36,861
1917-18 ...	... 58,014	1,62,362	1,37,645
1918-19 ...	... 57,015	1,77,167	2,51,928
1919-20 ...	... 74,555	*Actuals for first five months of 1919-20 ... 57,268	2,99,586

* Figures for the remaining seven months are not available.

By the Hon'ble Babu Brojendra Kishore Ray Chaudhuri:—

51.

Exportation of wheat from India.

(*a*) Are the Government aware that the restrictions on the export of wheat from India have been or are proposed to be shortly removed?

(*b*) In view of the possible effect of such action taken in conjunction with the removal of restrictions on the inter-provincial movement of rice, are the Government considering the desirability of taking steps to ensure that the Bengal stock of rice is not drawn upon to an unusual extent by the wheat consuming provinces?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) No. Government have not received any information to this effect.

(*b*) No. Government have no reason to contemplate that the Bengal stocks of rice will be drawn upon to an unusual extent by the wheat-consuming provinces."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

52.

Burma rice and standard cloth.

Have the Government received any representations from public bodies, such as the Indian Association, regarding the supply of Burma rice and standard cloth, and suggesting the control of the inter-provincial movement of rice?

Answer by the Hon'ble Mr. McAlpin:—

"The answer to the question is in the affirmative."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

53.

Revision of salaries of public servants.

(*a*) With reference to the question of revision of salaries of, or granting relief to, public servants whose cases have not been dealt with by the Royal Commission, are the Government aware of the recent action taken in this direction by other provincial Governments, particularly the Governments of the Punjab, Bihar and Orissa and Madras?

(*b*) What action has been taken in Bengal?

(*c*) How does the action taken by Government compare with that taken by other provinces?

nswer by the Hon'ble Mr. Marr:—

" (*a*) (*b*) and (*c*) If the reference is primarily to the salaries of minis-rial officers, the Bengal Government are in possession of a considerable nount of information as to recent action taken in other provinces The ole matter is at present under consideration."

the Hon'ble Babu Brojendra Kishore Ray Chaudhuri:-

54.

(*1*) Are the Government aware—

The Mymensingh Bhairab Bazar Railway.

(*a*) that when the Mymensingh Bhairab Bazar Railway was floated in 1914, the promoters invited the public to subscribe the capital on the undertaking that the system would include 15 miles of railway line between Jerria Janjail and Bagmara, and that up to date this portion of the railway has not yet been started, nor has the land ever been acquired for it;

(*b*) that this portion of the Mymensingh-Bhairab Bazar Feeder Railway was projected to serve a tract of country, of which Sushung Durgapur is the chief collecting centre, which yearly exports several lakhs of maunds of rice, and large quantities of timber, bamboos and other forest produce,

(*c*) that all such commodities as the above are realizing famine prices in the interior of the Mymensingh district, and that at present owing to the heavy cost of cartage to Jerria Janjail the bulk of the produce of the tract of country referred to above is diverted by river eastwards and is eventually distributed in areas on the outskirts of the district without benefit to the central portion or the populous capital of Mymensingh, and

(*d*) that although the Mymensingh Bhairab Bazar Railway has been completely opened for traffic for only a few months, the traffic receipts on the portion which has been built already show a return of between 5 per cent and 6 per cent on the capital cost, and that these results constitute a record in the history of railways in India?

(*2*) Having regard to the benefit and relief that the district of Mymensingh would enjoy by the completion of the line to Bagmara, are the Government considering the desirability of moving the Railway Board to take steps without further delay to enforce the fulfilment of the obligations which were undertaken by the promoters and Managing Agents in the prospectus, by which they invited the public of the district to subscribe the capital?

(*3*) Are the Government considering the desirability of asking the Railway Board to allot funds for the acquisition of land during the cold weather season, 1920-21, and thereby obviate further delay due to land not being acquired?

Answer by the Hon'ble Mr. Cowley:—

" While recognising that the construction of the Janjail Bagmara branch of the Mymensingh-Bhairab Bazar Railway would prove of benefit to the country which it would serve, Government think it unnecessary at present to move the Railway Board in the matter.

The Railway is owned by the Mymensingh-Bhairab Bazar Railway Company and Government consider that the Company may be relied on to move the Railway Board as soon as it is in a position to complete the construction of the branch."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

55.

The Imperial Agricultural Service of Bengal.

(*a*) Is it a fact that there are two leave vacancies in the Imperial Agricultural Service of Bengal and that the Deputy Director of the Eastern Circle has been appointed to act in both these vacancies in addition to his own duties?

(*b*) Is it a fact that members of the Provincial Service in Bengal are systematically deprived of leave vacancies in the Superior Agricultural Service, even if their academic qualifications are equivalent to those of the European members?

(*c*) Is it a fact that the members of the Imperial Agricultural Service are financially benefited when they hold charge of posts in addition to their own duties and that the merits and demerits of the Indian Officers are judged by these officers?

(*d*) Will the Government be pleased to state—

(*i*) whether any officer of the Provincial Service has ever been appointed to any of these leave vacancies; and

(*ii*) if not, why not?

(*e*) (*i*) Is it a fact that Mr. Finlow has officiated as Chemist and Botanist, Mr. Hector as the Chemist and Fibre Expert and Mr. McLean as Chemist and Botanist in addition to their respective duties?

(*ii*) If so, had they proved efficient in regard to the duties which were required of them in their respective appointments?

(*f*) What are the essential qualifications required for members of the Expert Section?

(*g*) Is it a fact that academic distinctions and capacity to conduct research in subjects, with special reference to Agriculture, are the chief requirements?

(*h*) Are the testimonials given by the Professors, under whom the Provincial Service men were trained, of any value in determining the capabilities of Indian officers in respect of the above two qualifications or does the Director finally decide this question, and, if so, is he qualified to do so without giving them a trial?

(*i*) Is it a fact that in other provinces men from Cornell, etc., with similar qualifications as men of the Provincial Service in this Province are officiating as Chemists, Botanists, Entomologists, etc., in the Imperial vacancies?

(*j*) Is it a fact that in Bengal there are three or four men with excellent training in Chemistry and Botany in some of the best universities of England and America?

(*k*) If so, are the Government considering the desirability of giving some of these men a fair trial in the future leave vacancies?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) There are two vacancies in the research branch of the Imperial Agricultural Service in Bengal, one a vacancy in consequence of the temporary deputation of the Economic Botanist as Imperial Economic Botanist, and the other in consequence of the transfer of the Agricultural Chemist from the province. The Deputy Director of the Eastern Circle is in charge

the current duties of the office of the Agricultural Chemist pending the ing up of the appointment by the Secretary of State; but he has not been pointed to officiate as Agricultural Chemist. Until recently he was also charge of the current duties of the office of the Economic Botanist, but . D. Datta, a member of the Provincial Service, has now been temporarily pointed to officiate, subject to the control and direction of the permanent onomic Botanist.

(*b*) No. Rai Rajeswar Das Gupta Bahadur, when in the Provincial rvice, officiated in the Imperial Service as a Deputy Director.

(*c*) The answer to the first part of the question is in the affirmative.

, regards the second part of the question, it is their duty to judge the merits d demerits of the officers employed under them, but the final decision sts with Government.

(*d*) (*i*) and (*ii*) The Hon'ble Member is referred to the answer to (*a*),) and (*k*)

(*e*) (*i*) The answer to the question is in the affirmative as regards Messrs. nlow and Hector, but not altogether so as regards Mr McLean In gard to Mr. McLean the Hon'ble Member is referred to the answer to (*a*)

(*ii*) Yes; but the scope of the research work has naturally been restricted

(*f*) and (*g*) For information on these questions, the Hon'ble Member is ferred to the Report of the Public Services Commission

(*h*) Obviously when such an officer enters the service for the first time, ademical qualifications but not necessarily testimonials of professors, are sential But when he has entered the service, his academical or other pre- ous qualifications are ordinarily of less importance than the quality of the rk actually done by him in Government service Any final decision rests ith Government

(*i*) Government are not in a position to answer this question fully They ive only definite information regarding two such cases

(*j*) There are four men who took degrees abroad Two took botany as ne of their subjects and a third took chemistry

(*k*) The Hon'ble Member is referred to the answers to (*a*) and (*b*) Apart om the fact that orders are awaited on the general question in connection ith the recommendations of the Public Services Commission Government nnot give any undertaking that the men in question who belong to the admin- trative branch will be given a trial in the research branch of the service, it is der contemplation to form a provincial research branch; and it will be a estion in each individual case as to whether the officer has shown himself by his work in the department to be tried or, given promotion out of the anch for which he was recruited In this connection the Hon'ble Member is ferred to the answer to question No 5 (unstarred) put by the Hon'ble Rai ahendra Chandra Mitra Bahadur on the 7th April, 1920, in which it was ated that the research and administrative branches of the Department are dinarily treated as distinct."

y the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

56.

Will the Government be pleased to state—

Waterways divisions an subdivisions

(*a*) how many waterways divisions and subdivisions were there in 1918 and 1919 and how many are there at present;

(*b*) whether any such waterways divisions have been recently abandoned; and

(*c*) if so, why?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) One temporary division at Dacca and one subdivision at Khulna.

(*b*) The Dacca temporary division has been closed for the present but the local Government is in correspondence with the Government of India on the subject of the formation of a permanent division there.

(*c*) The division was abandoned owing to the following reasons:—

(*i*) insufficiency of staff,

(*ii*) lack of dredgers, and

(*iii*) financial and other considerations. "

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

57.

The Dacca Medical School students.

(*a*) Is it a fact that the students of the Dacca Medical School are required to come to Calcutta three times during their course of four years' study to appear at the Board's examination?

(*b*) In view of the expense and inconvenience to which the students are put by this arrangement, are the Government giving the matter their consideration?

Answer by the Hon'ble Mr. Marr:—

" (*a*) Yes.

(*b*) The expense and inconvenience are unavoidable. Other students are put to the same expense and inconvenience in attending the Calcutta University examinations "

By the Hon'ble Babu Bhabendra Chandra Ray:—

58.

Political prisoners and *détenus.*

Will the Government be pleased to state—

(*i*) what is their intention with regard to those political prisoners and *détenus* who have not yet been released as a result of the Royal amnesty, and

(*ii*) what is their present number?

Answer by the Hon'ble Mr. Stephenson:—

" (*i*) All *détenus* under the Defence of India Rules have been released It is intended to release the State prisoners still in custody as soon as this can be done with due regard to the public safety. The cases of those who before their conviction under the ordinary law were members of revolutionary societies, have recently been examined, and in some cases certain action has been taken. In the remaining cases, it is not intended to interfere with the sentence passed by the Court.

(*ii*) There are at present 19 State prisoners in custody, and 47 convicts who before their conviction were members of revolutionary societies As stated above, there are no *détenus* restrained under the Defence of India Act."

y the Hon'ble Babu Bhabendra Chandra Ray:—

59.

(*a*) Will the Government be pleased to state the distance between the essore district headquarters and the Magura subdivisional headquarters nd the time taken and route followed in reaching one from the other in ifferent seasons of the year? The Jessore district headquarter

(*b*) How far is communication between these two places being further ffected by gradual silting up of the rivers in this locality?

nswer by the Hon'ble Mr. Cowley:—

" (*a*) The distance by road, which is the most direct route from Jessore istrict headquarters to Magura the subdivisional headquarters, is 28 miles

The routes usually followed are

(*i*) In the winter season—

by rail, Jessore to Dowlatpore .	1½ hours
by river steamer, Dowlatpore to Chowlia .. .	11½ hours
by country boat, Chowlia to Magura	4 hours
Total ..	17 hours

(*ii*) In the rains

by rail as above ..	1½ hours
by river steamer, Dowlatpore to Magura .. .	13½ hours
Total .	15 hours

(*iii*) All the year round

by rail, Jessore to Jhenida ...	3 hours
and thence from Jhenida to Magura by road in the winter 18 miles	3½ hours
or by country boat in the rains 28 miles .. .	12 hours

(*b*) There is no evidence to show that the rivers used by the steamer service are deteriorating, there are a few shoals below Magura in the Naba ganga, which are long-standing but have improved slightly during recent ears."

By the Hon'ble Babu Bhabendra Chandra Ray:—

60.

(*a*) Has there been any proposal before Government for connecting Magura and Jessore with a railway line? Railway connectio between I and Jesso

(*b*) If so, when was it last considered by Government and with what result?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) Yes.

(*b*) The Hon'ble Member is referred to a *communiqué* of 3rd March, 1920, which was issued to the press on this subject. The Government of India have decided not to proceed with schemes for the extension of the broad gauge railway beyond Jessore for the present."

By the Hon'ble Babu Bhabendra Chandra Ray:—

61.

The Jessore-Jhenida Railway.

(*a*) Is it a fact that when the proposal for opening the Jessore-Jhenida Railway line was made, a suggestion was put forward in a note, by the then Vice-Chairman of the Magura Local Board, for its extension up to Magura, pointing out that the line could not be profitable without such extension?

(*b*) Is it a fact that the Jessore-Jhenida Railway has, as a matter of fact, been showing a loss account?

(*c*) (*i*) Is any extension of the Jessore-Jhenida line under consideration at present?

(*ii*) If so, in what direction is such extension proposed to be made; and

(*iii*) how far will the town of Magura be benefited thereby?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) It is understood that a note on the subject referred to was presented by the Vice-Chairman, Local Board, Magura, to the District Board of Jessore in 1909.

(*b*) Yes.

(*c*) (*i*) No.

(*ii*) But a reconnaissance survey for an extension from Jhenida to Salkopa was sanctioned by the Railway Board in July, 1919.

(*iii*) Salkopa lies to the north and Magura to the east of Jhenida "

By the Hon'ble Babu Bhabendra Chandra Ray:—

62.

The Prices Committees

Will the Government be pleased to state—

(*a*) in which districts Prices Committees have been formed together with the number of their members;

(*b*) the principle followed in their selection; and

(*c*) their specific functions and powers?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) A statement is laid on the table.

(*b*) The selection of members on the Prices Committees has been left to the discretion of the District Officers, but the instructions to them are that at least one third of the members, but not more than one-half, should be merchants or traders and that, where possible, editors of reputable newspapers should be placed on the Committee.

(*c*) The functions of the Committee are—

(*1*) the provision of verified facts;

(*2*) the dissemination of correct information regarding the problems of high prices and the measures taken to counteract them;

(*3*) the contradiction of false rumours;

(*4*) to offer practical advice; and

(5) as individuals to carry out such advice or such local measures as will have a salutary effect. In doing so, the members will act merely in their private capacity and possess no special powers.

The Committee is not precluded from offering the Collector any practical advice which he, or Government alone, has the power to carry out."

Statement referred to in the answer to Question No. 62 (Unstarred) asked by the Hon'ble BABU BHABENDRA CHANDRA RAY, *at the meeting of 1st July, 1920, showing the number of members on District Prices Committees.*

District	Number of members excluding Chairman and Secretary *	District	Number of members excluding Chairman and Secretary *
Burdwan Division—		*Chittagong Division—*	
(1) Burdwan ...	13†	(16) Chittagong ...	12
(2) Birbhum ...	12	(17) Tippera ...	12
(3) Bankura ...	12	(18) Noakhali ...	12
(4) Midnapore ...	12	(19) Chittagong Hill Tracts.	12
(5) Hooghly ...	13		
(6) Howrah ...	12		
Presidency Division—			
(7) 24-Parganas ...	12		
(8) Nadia	13		
(9) Murshidabad ...	10	*Rajshahi Division—*	
(10) Jessore ...	12		
(11) Khulna . ..	12	(20) Rajshahi .	12
		(21) Dinajpur ...	12
		(22) Jalpaiguri .	8
Dacca Division—		(23) Rangpur ..	12
(12) Dacca . ..	12	(24) Bogra	12
(13) Mymensingh .	12	(25) Pabna	12
(14) Faridpur	12	(26) Malda . ..	12
(15) Bakarganj ...	12	(27) Darjeeling .	10

* [illegible]
[illegible]
† According [illegible] advice the Committee [illegible]

By the Hon'ble Babu Bhabendra Chandra Ray:—

63.

(*a*) Has the attention of Government been drawn to the various reports of deaths and suicides, due to privation, in different parts of the province? Alleged c suicide d privation

(*b*) If so, will the Government be pleased to make a statement in regard to each such report as may have reached them, giving particulars about the inquiries held thereinto?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) The attention of Government has been drawn to certain reports of deaths and suicides from privation, of which reports there has recently been a recrudescence.

(*b*) Government have instituted inquiries into such reports; but replies have not been received except in respect of six cases in the Madaripur sub-division of Faridpur. These reports, it has been ascertained from the Collector, Mr. J. N. Roy, are without foundation. No details are available."

By the Hon'ble Babu Bhabendra Chandra Ray:—

64.

Scarcity and distress in part of Presidency of Bengal.

Will the Government be pleased to make a statement regarding the extent of scarcity and distress prevailing in different parts of the Presidency and the steps proposed to be taken to alleviate the same?

Answer by the Hon'ble Mr. McAlpin:—

"Apart from distress on account of high prices, there is some distress in the Gopalganj and Madaripur subdivisions in the district of Faridpur. For information regarding this, the Hon'ble Member is referred to the statement laid on the table in reply to starred question No. X by the Hon'ble Rai Sri Nath Ray Bahadur. The *bhadralok* on small fixed incomes and the poorer classes are the principal sufferers from the present high prices. There is, however, reason to believe that the larger portion of the cultivating population are benefiting from the high prices obtainable for their produce. There is no scarcity of foodstuffs. The direct measures which Government have taken to steady the price of rice and to provide a comparatively cheaper rice are—

(*1*) to arrange for a largely increased supply of Burma rice for consumption in Bengal at controlled rates in accordance with the procedure adopted last year; and

(*2*) to arrange with the Government of India that there should be no export of rice to foreign countries from Bengal in the quarter July to September.

For further information the Hon'ble Member is referred to the statement which will be made in connection with analogous resolutions to be moved at the present Council meeting."

By the Hon'ble Babu Bhabendra Chandra Ray:—

65.

Detention of a ferry steamer.

(*a*) Has the attention of Government been drawn to a letter written by Sir Profulla Chandra Ray in the *Bengalee* of the 10th June last referring to a prolonged detention of the ferry steamer from Rupsa to Khulna in mid-stream and to the serious inconvenience resulting therefrom to passengers from Bagerhat to Calcutta and Barisal?

(*b*) If so, are the Government considering the desirability of taking steps to prevent such occurrences in future?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) The attention of the joint Steamer Companies will be drawn to the alleged inconvenience."

By the Hon'ble Babu Bhabendra Chandra Ray:—

66.

Increase in the establishment of the Criminal Intelligence Department.

(*a*) Will the Government be pleased to make a statement showing the increase, if any, in the establishment of the Criminal Intelligence Department temporary as well as permanent, since the promulgation of the Defence of India Act, and the resulting increase in expenditure year by year?

(*b*) How much, approximately, of the said increase (if any) in establishment and expenditure, respectively, was necessitated by the administration of the Defence of India Act and other war measures of a similar nature?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) A statement is laid on the library table showing the permanent increase and the temporary increases of establishment of the Intelligence Branch of the Criminal Investigation Department that have been sanctioned since the promulgation of the Defence of India Act, and the financial effect of those increases. The additional temporary establishment sanctioned from time to time was necessitated by the general increase of work falling upon the Department; it is impossible to allocate it to the administration of particular Acts."

By the Hon'ble Babu Brojendra Kishore Ray Chaudhuri:-

67.

(*a*) Is it a fact that the legality of certain methods followed by the Settlement authorities for revaluation of cesses was called into question in a recent suit in the Second Court of the Munsif at Pabna, and that the said suit has been decreed against the Secretary of State? Alleged illegalities in connection with cess revaluation.

(*b*) If so, will the Government be pleased to give a *resumé* of the Munsif's judgment, briefly stating the facts found by the Munsif in his judgment, and the irregularities in the procedure referred to therein?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) Yes.

(*b*) A copy of the Munsif's judgment is placed on the library table. It is proposed to file an appeal.

By the Hon'ble Babu Brojendra Kishore Ray Chaudhuri:-

68.

Will the Government be pleased to state

(*a*) what quantity of rice has been exported from Bengal since the removal of the restrictions put on the inter provincial movement of rice, and Exportation of rice from Bengal.

(*b*) how it has affected the rice market in this Presidency?

Answer by the Hon'ble Mr. McAlpin:-

"(*a*) The Hon'ble Member is presumably referring to the export to other provinces of rice, other than controlled Burma rice. The following statistics are available up to the middle of May for exports since the 1st April, the date of the removal of the restrictions put on the movements of rice other than controlled Burma rice.

	Tons
Exports	31,240
Net exports	22,440

(*b*) The figures contain 6,000 tons which were allotted by Government for export before the removal of the restrictions, but which were actually exported after their removal. It is impossible to say what the effect has been on the market. The actual effect of the export of so small a quantity should have been inappreciable, but it is possible the rumours of large exports unduly affected prices."

By the Hon'ble Babu Bhabendra Chandra Ray:—

69.

The case of Rebati Charan Nag.

(*a*) Is it a fact that one Rebati Charan Nag, son of Raj Kamal Nag, of the district of Tippera, was interned under the Defence of India Act and died during the period of his internment?

(*b*) If so, will the Government be pleased to make a statement relating to his internment and death, with particular reference to his age, education, date and places of internment, date, place and manner of his death, the date on which his father was informed by Government about his death, and the procedure and result of any inquiry held by Government into the circumstances of his death?

(*c*) (*i*) Have the Government received any representation from his father relating to his death?

(*ii*) If so, what are the facts set out therein and what action have Government taken thereon?

The case of Chandi Charan Nag.

(*d*) Is it a fact that Chandi Charan Nag, another son of Raj Kamal Nag, contracted tuberculosis in the Rangoon Jail while in confinement there under Regulation III of 1818 and died from it at home where he was subsequently interned?

(*e*) (*i*) Have the Government received any representation from Raj Kamal Nag relating to the death of Chandi Charan Nag?

(*ii*) If so, will the Government be pleased to state the purport thereof, and what action has been taken thereon?

(*f*) Do the Government propose to make any reparation to Raj Kamal Nag for the death of his two sons in such tragic circumstances?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) and (*b*) It is not a fact that Rebati Charan Nag was ever arrested or interned. His house was searched and possession was taken of certain articles belonging to him, but he had himself absconded and was never arrested. Information reached Government at a later date that he had been murdered by members of the revolutionary party. Government have little doubt of the truth of this information but are unable to disclose its nature or source.

(*c*) (*i*) Yes, a petition was received on the 20th March addressed to the Additional Secretary. A later petition dated 20th May addressed to His Excellency the Governor has also been received.

(*ii*) The first petition asked for details of the death of Rebati Charan Nag. Such information as it was possible to give was given to the petitioner through the Additional Superintendent of Police, Tippera. The second petition also asks for further details.

(*d*) It is not a fact that Chandi Charan Nag was interned at the time of his death. He was not placed under any restraint by the Bengal Government on his return from Burma. Regarding the circumstances under which he contracted his illness in Burma a copy of the *communiqué* on the subject issued by the Burma Government on 11th June, 1917, is placed on the table.

(*e*) (*i*) and (*ii*) Representations have been received from Raj Kamal Nag regarding the death of his son, Chandi Charan Nag. The general purport of these representations have been to the effect that his son was innocent and was ill-treated by the police in Burma; that the father was

ɔendent on his son and therefore praved that an allowance should be ınted to him. The last representation was addressed to the Secretary of ıte and was forwarded to him

(*f*) The Bengal Government have declined to grant the request of Raj ımal Nag for an allowance. The Secretary of State's orders on his last ırésentation have not yet been received ".

Copy of the communiqué referred to in answer to Question No. 69 (d) of 21st July, 1920.

DEATH OF A RANGOON DÉTENU.

" NEW INDIA'S " ALLEGATIONS REFUTED.

Rangoon, 11th June, 1920

The following press note was issued to-day The local Government has en in *New India* of the 25th May, 1917, an article entitled " A Tragedy," 'ating to one Chandi Charan Nag, native of Upalata in Bengal, who was ıhined in the Rangoon Central Jail and afterwards died at his home in ngal The local Government thinks it desirable to issue the following ıtement of facts.

Chandi Charan Nag was arrested at Rangoon on the 5th October, 1916, d on the 7th October the local Government made an order under the gress into India Ordinance, 1914, directing his detention in the Rangoon ntral Jail This order was made as it was considered necessary to keep ıandi Charan Nag in confinement while inquiry was being made into his aracter and antecedents In January 1916 the local Government, having ceived a petition from Chandi Charan Nag's father asking for information garding his son's condition, called for a report on Chandi Charan Nag's ate of health The Superintendent of the Jail reported on the 2nd Feb ary 1916, Chandi Charan Nag had been under treatment in the jail hospı l and had lost weight, but was then convalescent, and unless some unfore en circumstances should arise he was likely to make a good recovery The cal Government informed Chandi Charan Nag's father of this and told m that his son's release could not be ordered at that time but that a further ommunication would be made to him shortly Meanwhile the inquiry into handi Charan Nag's antecedents had been completed and the facts were eported to the Government of Bengal, who were asked whether Chandi haran Nag might be allowed to proceed to his native place as it was not onsidered desirable to allow him to remain at liberty in Burma On the 4th February the Superintendent of the Rangoon Jail reported Chandi haran Nag was progressing less favourably and tubercular consumption as suspected The local Government telegraphed this information to the Government of Bengal and on the 3rd March received a reply that Chandi haran Nag might be sent to Calcutta The order directing Chandi Charan Nag's release from jail and despatch to his home in Bengal was then issued and is father was informed but the Superintendent of the Rangoon Jail reported Chandi Charan Nag's health had still further deteriorated so as to render im unfit to travel to India and recommended he be released in Rangoon and dmitted to the Rangoon General Hospital On the same day an order irecting Chandi Charan Nag's despatch to Calcutta was suspended and he vas released from jail and made over to his father, by whom he was taken o the Rangoon General Hospital for treatment On the 20th April the Commissioner of Police, Rangoon, having received a report from the medical uperintendent of the General Hospital that Chandi Charan Nag was fit to ravel, recommended he should be sent to his home by a steamer leaving

Rangoon for Calcutta on the 25th April, and this arrangement was sanctioned by the local Government and carried into effect.

It appears Chandi Charan Nag died about nine months later.

In the article in *New India* it is alleged that the local Government's order directing the confinement of Chandi Charan Nag was based on his father's answers to questions, the answers being mistranslated into English by an officer of the Rangoon police. That is not correct. There was nothing in the father's statement as recorded by the police which could be used against the son. It is alleged the father was refused information regarding his son. It is true the father was not allowed to interview his son in jail, but all information regarding the son's health was given to his father. It is further alleged that the police removed Chandi Charan Nag from the Rangoon General Hospital prematurely and failed to give his father sufficient notice so that proper arrangements could not be made for the son's clothing and comfort on the journey. Chandi Charan Nag's removal was ordered with the concurrence of the medical superintendent of the hospital and the father received several days' notice beforehand and was warned to be in readiness. His son was taken to him on the way to the steamer.

LEGISLATIVE BUSINESS.

THE BENGAL AGRICULTURAL AND SANITARY IMPROVEMENT BILL, 1920.

LIST OF BUSINESS—ITEM No. 3.

The Hon'ble Sir Charles Stevenson-Moore presented the Report of the Select Committee on the Bengal Agricultural and Sanitary Improvement Bill, 1920.

He said :—

"My Lord, I beg to present the Report of the Select Committee on the Bengal Agricultural and Sanitary Improvement Bill, 1920, and, in doing so, should like to offer a few remarks.

The Bill was introduced in March last by Sir John Cumming and it was his skilful hand which piloted the measure through the Select Committee. I am sure, Hon'ble Members will share with me the regret that he was compelled to leave India and transfer his command to me before he had completed the task of steering it through Council into the secure haven of the Statute-book.

When introducing the Bill Sir John Cumming emphasised the fact that the Bengal Drainage Act and the Bengal Sanitary Drainage Act which this measure was designed to replace had failed, because their procedure was cumbrous and inelastic and he explained that one of the main objects which had been kept in view in framing this Bill aimed at remedying those defects. The principle of simplicity and elasticity in procedure has been maintained by the Select Committee, for its maintenance was recognised by them as being essential if this legislation was to prove a really effective and popular agency for the amelioration of agricultural and sanitary conditions in Bengal.

As the underlined portions of the Bill sufficiently indicate, the changes which were made by the Select Committee were numerous, but they related, for the most part, to matters of detail or points of drafting and do not call for specific mention. There are, however, one or two changes of more importance to which I should like to make a brief reference.

Sir Charles Stevenson-Moore.

Clauses 10 to 13, as originally drafted, made the Sanitary Board an appellate authority in respect of major schemes and one of the links in the chain of authorities through whom major schemes would proceed to Government for formal sanction. The Select Committee decided to eliminate the Sanitary Board altogether, their reasons being that the Sanitary Board, as at present constituted, is merely an advisory body and that it is impossible to forecast what form it will take if it is retained at all when the Public Health Department of Bengal is reorganised. The effect of eliminating the Sanitary Board is that appeals against the acceptance or rejection of major schemes by the Committee will now lie direct to the Local Government and that when major schemes have been accepted by the Committee and are submitted for sanction to Government the Local Government will be free to consult experts, or take any other, advice necessary before passing orders on them. This change makes for simplicity and greater despatch of business.

The next change of importance was made in clause 14. This clause has been redrafted so as to provide that the preparation or revision of a record-of-rights shall be optional instead of compulsory. The Select Committee were induced to make this alteration because it was thought that there were cases in which the elaborate formality of this procedure would prove unnecessary and that there would be other cases in which records-of-rights had quite recently been prepared or revised and in which the procedure could obviously be dispensed with.

Passing on now to clauses 18 to 20 which deal with apportionment of cost, there are two points which deserve mention. Clause 18 *1) iii)* has been redrafted so as to provide that in apportioning cost as between different classes of landlords and tenants the basis shall be the benefit likely to be derived from the improvement. Hon'ble Members will understand that this principle, though sound in theory, will prove exceedingly difficult to work in practice. Indeed it can only be worked on broad lines without regard to meticulous distinctions and differences.

The apportionment proceedings which are prescribed by clauses 18 to 20 fall into two stages. The apportionment of the cost between the several classes of landlords and tenants according to prescribed rates is the first stage. The second stage involves the calculation of the exact sum due from each landlord and tenant and its entry in a detailed statement. Now the Bill as originally drafted provided for only one appeal to the Commissioner, namely, against the entry in the detailed statement. The Select Committee have provided for a similar appeal against the apportionment order also, an addition which will no doubt commend itself to Hon'ble Members.

Clause 23 has been omitted altogether. This clause provided that in the case of an agricultural work a landlord might elect to pay the amount of cost apportioned against his tenants and thus obtain the right to enhance rent on the ground of improvement. The clause was omitted mainly at the instance of the majority of the landlord members of the Select Committee who apprehended that the provision would operate harshly on the tenantry.

Lastly, a new clause 28A has been inserted. This clause contains a very necessary provision for the distribution, apportionment and recovery of costs not foreseen or provided for in the original distribution. The insertion of this clause renders clause 21 in the original Bill unnecessary. It has therefore been omitted.

I have now, Sir, mentioned the chief alterations that have been made in the Bill, and it remains for me only to express the acknowledgments of Government to the members of the Select Committee for their helpful co-operation with Sir John Cumming and for the willing labour which they

devoted to their task. It is to be regretted that the report is not quite unanimous, but I think Hon'ble Members will find that the Bill has emerged from the hands of the Select Committee much improved both in form and substance and better fitted to take a worthy place amongst the practical measures of a beneficient character designed to improve the general health and the material condition of the rural classes of Bengal which will be associated in the annals of this Presidency with Your Excellency's name."

THE CALCUTTA PILOTS (AMENDMENT) BILL, 1920.

LIST OF BUSINESS—ITEMS Nos. 4—7.

The Hon'ble Sir Charles Stevenson-Moore moved for leave to introduce a Bill to amend the Calcutta Pilots Act, 1859.

He said :—

"My Lord, this amending Bill is a very simple measure, and is designed merely to remove an anachronism in the law. The Calcutta Pilot Act was passed so long ago as 1859 and provided for the constitution of a special court to try pilots who were charged with breach of duty and among the penalties prescribed by section 17 of that Act is included punishment by loss of rank or pay. The Public Services Commission held that the punishment of pilots by the reduction of their earnings was unfair, and should be done away with. This form of punishment was also opposed to the policy of Government. The amendment of the Bill which is now submitted to the Council has been prepared with a view to remove this form of punishment. This object is achieved by the deletion of the words 'or pay' from section 17 of the Act."

The motion was put and agreed to.

The Hon'ble Sir Charles Stevenson-Moore moved His Excellency the President to suspend the Rules of Business to admit of the Bill being taken into consideration.

The President having declared the rules suspended the Hon'ble Sir Charles Stevenson-Moore moved that the Bill be taken into consideration.

The motion was put and agreed to.

The Hon'ble Sir Charles Stevenson-Moore moved that the Bill be passed.

The motion was put and agreed to.

THE INDIAN RED CROSS SOCIETY (BENGAL BRANCH) BILL, 1920.

LIST OF BUSINESS—ITEMS Nos. 8 & 9.

The Hon'ble Mr. Watson-Smyth moved for leave to introduce a Bill to constitute a Bengal Provincial Branch of the Indian Red Cross Society.

He said :—

"My Lord, this Bill is a corollary of the Act which was passed at Delhi some little time ago to create an Indian Red Cross Society, and in introducing that Bill, Sir Claude Hill gave a very interesting history of the Red Cross

movement in India, and we have incorporated that *in extenso* in our Statement of Objects and Reasons. To sum up, there are two main reasons for wanting an Indian Red Cross Society. The first is to take over funds that were left over after the war and to administer and use them for the alleviation of distress in civil life, and the second reason is that there has been a League of Red Cross Societies among the Allied and Associated Powers of Great Britain, France, Italy, Japan and the United States, and if India has her own Red Cross Society she could take her place in the Council of the International League of Red Cross Societies. Here in Bengal we also have funds that have been left over from Lady Carmichael's War Fund and 'Our Day' Fund, and we want a Society to take them over and administer them. The Bill also gives general power to the Society from time to time to extend its sphere in other directions for the relief of suffering. The Bill has been drafted on exactly the same lines as the Indian Red Cross Society Bill and this will be a Bengal Branch of the Indian Red Cross Society. I therefore ask this Council for leave to introduce this Bill."

The motion was put and agreed to.

The Hon'ble Mr. Watson-Smyth moved that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Rajendra Nath Mookerjee, the Hon'ble Sir Nilratan Sarkar, the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy, the Hon'ble Mr. Phelps, the Hon'ble Mr. Pickford, the Hon'ble Mr. G. N. Roy, the Hon'ble Mr. Marr and the mover, with instructions to submit their report in time for its presentation at the August meeting of the Council.

The motion was put and agreed to.

RESOLUTIONS.

(Under the rules for the discussion of matters of general public interest.

LIST OF BUSINESS—ITEMS Nos. 10, 11 AND 12.

The President said:—

"The first three resolutions standing on the agenda paper, namely, items 10, 11 and 12, all deal with the same subject, and it will be for the convenience of Council if the general discussion takes place on No. 11. If after the general discussion has taken place, and the reply of the Government has been given, the Hon'ble Member in whose name No. 10 stands, and the Hon'ble Member in whose name No. 12 stands, still desire to move their motions, I shall of course be prepared to put them from the chair, but it will be convenient if the discussion takes place on No. 11."

The Hon'ble Babu Bhabendra Chandra Ray moved the following resolution:—

This Council recommends to the Governor in Council that a Committee be appointed to inquire as to how far the prices of articles are, to the detriment of the people, being enhanced in some cases by the charging of the prices yielding an unreasonable profit to persons engaged in the production, handling or distribution thereof; and to suggest lines on which legislative or executive action may, if necessary, be taken to control the same.

Babu B. C. Ray.

He said :—

"My Lord, at the very outset I desire to say that in defining the scope of the inquiry which I propose, I have faithfully copied the preamble of the English Profiteering Act of 1919. My suggestion is that a Committee should be appointed to investigate the whole matter and find out whether circumstances similar to those that called for the enactment of special legislation in England do not prevail in Bengal. I am aware that on a motion of Sir Dinshaw Wacha, a Committee of the Imperial Legislative Council was appointed with a somewhat similar object. Although nearly a year has since elapsed, the Committee has not yet submitted their report, and Bengal's sole representative on it, the late Rai Sitanath Ray Bahadur, could not survive its prolonged session. In my humble opinion, an all-India Committee on this question has been a mistake. It cannot, in the first place, meet except during the legislative sessions at long intervals. And in the second place, it cannot investigate the matter with that amount of intimate knowledge of varying local circumstances which would be available to Provincial Committees.

My Lord, it will not do to shut our eyes to the fact that the problem of high prices is an extremely complex one. Some among the factors that are behind it are beyond the control of Government. There are others, again, that accompany and find nourishment in economic unsettlement, and can be effectively controlled, if not altogether eliminated. It is in regard to the latter class of causes alone that the people expect Government to interfere.

I hope it will not be lightly asserted that profiteering does not flourish in Bengal. It has been found everywhere else to be a principal element in the present economic difficulties of the world. And to deny its existence here may be interpreted either as an indication of an almost criminal apathy on the part of Government towards the sufferings of the people, or as want of courage to look facts in the face.

Let us consider the case of rice, and analyse the position of your Lordship's Government from statements made on different occasions, mostly in reply to my questions. The crop of 1919-20 has been quite abundant. Export overseas and to other parts of India was controlled till April last. And even after a partial removal of this control, no appreciable quantity of rice has left the borders of Bengal. There should therefore be sufficient rice to meet the demands of this Presidency. The question arises, who are the persons that hold this enormous stock? I am prepared to concede that the well-to-do among the cultivating classes are trying to hold on to a part of their stock. But are the Government in a position to state approximately the number or proportion of such cultivators who find it possible to reserve their grains in this manner? Have they any rough idea as to the total quantity thus locked up in the granaries of these thrifty peasants? And how far does this circumstance account for the determined upward tendency of the price of rice in Bengal?

Some time back, your Lordship's Government admitted that large purchases had been made by certain traders under the mistaken impression that export would be allowed. When I asked for detailed information about these interesting personages, whose optimism had thus out-run their prudence I was met with a point-blank refusal, and we do not know any particulars about their transactions. Again, it was admitted that of late the rice trade has been receiving a good deal of kindly attention from the amiable Marwari who was a stranger to it till very recently. We have not been told, however, as to how far the Marwari factor is responsible for the steady rise in prices. In view of the fact that Government have not so far done anything to check

profiteering, people whose very breath of life is speculation cannot but indulge in this profitable pastime.

My Lord, it is reported that some at least among the recently organised District Prices Committees understand their primary duties to be to bring in a verdict that there is no profiteering in their local areas, and that the high prices have benefited the cultivators very much. These verdicts may be very gratifying to those who are on the look-out for some excuse for inaction, but they are not likely to deceive the people. If an inquiry has to be made, it should be made by an independent Committee in Calcutta, acting in full gaze of the public, and vested with ample authority to scrutinize and enforce production of evidence. From another point of view, a strong central Committee would only be an essential complement of the District Prices Committees.

My Lord, so far as rice is concerned, the situation may be eased—to however small an extent—by a sufficient supply of cheap Burma rice. But what about cloth? Your Lordship's Government fought shy of standard cloth last year, and positively declined to consider the question of its revival only the other day. Yet, can it be said that profiteering does not prevail in regard to cloth? Even the Marwaris do not deny it, though they seek to justify it on certain grounds. But the Government of Bengal is too afraid of "frightening" the trader. I have not been able to understand what dire consequences would follow if Government were to check the middleman's profit, and cut short the long journey of the cotton-goods from the importer to the consumer through the hands of an endless chain of gamblers.

My Lord the proposal I want to put forward is briefly this. Let us find out whether somebody is not making abnormal profits somewhere, either in the production, distribution or handling of commodities, particularly the first necessaries of life, or, in other words, whether there are some avoidable elements in the high prices. There have been such inquiries by responsible bodies almost in all other civilized countries. And there is no reason why we here should pretend to know everything by intuition and avoid an open inquiry. Next, if as a result of such inquiry it is found that profiteering is among the determining factors of the situation, we should not shrink from applying the remedy that is being tried everywhere else with considerable success. We must not, in any event, pretend to be wiser than the rest of the world."

The Hon'ble Babu Surendra Nath Ray said:—

"My Lord, it is about two years ago, when there was rise in the price of salt, that I moved a resolution in your Lordship's Council recommending some steps to be taken which would have the effect of reducing its price. That resolution was partly accepted by your Lordship's Government. This time last year, the date was the 4th July, 1919, I moved a resolution suggesting early action for the reduction of the high prices of rice and other necessary articles of food, and also of cloth in Bengal. In accepting that resolution the Hon'ble Mr.(now Sir John) Cumming said, that the Government were not insensible to the sufferings of their lieges and appreciated the seriousness of the situation. They were not omnipotent, but they had taken and would continue to take such action as lay within the power of a Provincial Government to deal with the situation, so many of the ingredients of which were entirely beyond their control. The district boards and the municipalities were asked as a measure of self-help to open depôts for sale of Burma rice, and as a matter of fact such depôts were opened throughout the length and breadth of the land, and Burma rice saved the situation to some extent. We are, however, now confronted with a situation more acute than that which had presented itself before—the prices of all articles of food as well as that

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of cloth having not only risen higher, but there is a tendency for it to rise higher still. 'From the way in which the price of rice is rising now, it appears that there will be abnormal rise and attendant hardship this year.' These are the words of a circular letter addressed by the Commissioner of the Presidency Division to the Collector of the 24-Parganas on the 2nd June, 1920.

The following figures will illustrate what I say :—

(Wholesale price per maund.)

(The 3rd week of June.)

NAMES OF ARTICLES.	1915	1916	1917.	1918	1919.	1920
	Rs. A	Rs. A.	Rs. A.	Rs. A.	Rs. A	Rs. A
Rice—						
Balam (coarse)	6 4	5 6	5 4	4 6	7 0	8 0
,, (medium) ...	6 8	6 0	5 10	4 10	8 0	8 12
Patnai (coarse)	5 8	5 3	4 0	3 9	7 4	8 4
Mung—						
Hari	5 8	5 12	4 6	7 8	12 8	6 8
Krishna	5 4	5 12	4 0	6 6	12 0	7 12
Arahar	4 8	4 0	3 8	4 12	8 15	9 0
Sugar brown (Java) ...	10 12	12 10	10 2	8 14	16 8	35 0
Mustard oil	12 8	13 4	13 8	19 0	34 8	24 0
Flour (country)	5 11	5 0	5 8	6 10	9 12	8 12
Ghee	53 0	57 0	63 8	70 8	84 0	100 0

In 1897 when there was famine in the land—declared famine—the price of rice was Rs. 6. The price of other foodstuffs was less than half of what it is now. But now the price of ordinary rice is about Rs. 8-8, whereas the prices of other articles of diet have gone up more than double. The last rice crop was a fair one and the profiteers were seen in the distant villages with money in hand making large purchases. Whether these purchases were made for the purposes of export or for the purpose of holding up the stocks and profiteering I am not in a position to inform your Lordship's Government, but the fact is there that Marwaris were found hovering about in distant villages with money in hand making large purchases of rice. Government no doubt could not stop such purchases then, but I think enquiries ought to have been made as to the purpose for which those purchases were being made. If my remembrance serves me right this fact was brought to the notice of your Lordship's Government in this Council at the time, but we are not aware if any and what steps were taken by your Lordship's Government for preventing such speculative purchases in the country. When the crop is fair, I mean normal, the people have a right to get it at fair price—I mean at a price within the means of the average individual. But what are the facts, the price of ordinary rice is more than Rs. 8 per maund, *i. e.*, nearly double of what it is in normal times. We are not in a position to say definitely whether the prices now prevailing is due to the actual agriculturists holding over the stock or to profiteering. All we can say is that there are indications to show that the profiteering is one of the factors. But Government which carries on the administration of the country ought to know the exact reason why, in spite of fair crop, there is this abnormal rise in price. It was commonly stated that the high price of rice in Bengal earlier in the year was due to speculative trading with a

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view to export. When, however, it was notified by Government that free export would not be allowed, the price of rice declined to a certain extent. This was, however, only temporary. It must be admitted that there has not been any large export of rice this year, so that there must be some holding-up somewhere within the province itself, and Government should find out if this is due to speculation or to defective methods of distribution, or to both.

So far back as the 16th March last the Indian Association wrote to the Chief Secretary to the Government urging that wagon facilities should be provided for the movement of rice within the Presidency where railways were the only important mode of communication, so as to relieve the inflation in the price of rice in particular parts of the Presidency. And it appears from the reply sent by the Hon'ble Mr. McAlpin that Government were in favour of letting things alone and doing nothing by way of providing special facilities in the matter of supply of wagons to the rice trade. That some quantity of rice in the Presidency is lying near railway stations and has not been brought into the market is proved by independent information received by me in the course of my enquiries, and this from a very respectable rice merchant. I have been informed that if that rice be now brought into the market it will sensibly reduce its price. But on the allegation of shortage of wagons this rice has been allowed to remain where it is, lying in some interior railway station on the East Indian Railway. But whereas we have a shortage of wagons bunkering coal is going on. This is no doubt a very serious matter and is worth enquiring into. At the meeting of the Dacca Prices Committee recently held at the District Board office, the Director of Civil Supplies said that the rice of the province, which was much in surplus last year, had not gone out of Bengal and was not going out at present as every other province except Bombay had now a surplus. We were further told that Barisal rice had not even been sent up to Calcutta in any very large quantity, and was not being carried even now as one firm alone was holding a stock of Balam rice there of nearly 300,000 maunds. This was said to reassure the people that there was no shortage of rice in the province. But if this is a fact we ask Government to interfere and do what the necessity of the situation demands, in view particularly of the fact that rice is selling in the Barisal district itself, which enjoys the reputation of being the granary of Bengal at the phenomenal rate of Rs. 10 per maund.

With reference to the import of Burma rice there are some important facts which has come to my notice and which I am bound to place before your Lordship's Government. The import of Burma rice in large quantities has a wholesome tendency to reduce the price of rice actually in the country. When again there is competition between the importers of such rice, there is a greater tendency to reduce its price. But the fact is that only a few people are allowed to import Burma rice, and these importers on account of their limited number are able to get their own prices, but people outside the ring, those who are not among the favoured few, cannot compete with them. Hence these favoured few on account of their position, which they simply owe to the favour of Government, can well afford to put up the price of rice and dictate their own terms. In that case these few importers are in a manner 'licensed profiteers'. The remedy is very simple. Let licenses be given to a very large number of people, and besides the fixing of a maximum wholesale price, let all other sorts of restrictions be withdrawn and then there will be competition, and the result will be that a very large quantity will be placed before the public at a comparatively less profit. I think that the present high price of rice is partly due to profiteering and partly to other causes. If it is due to profiteering we ask Government to put a stop to it. If it is due to any other cause, we ask Government to do the needful so that we may get that which is the staple article of food of

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the people of this country at a normal price. We are aware that Government have already sounded the tocsin of alarm, and district officials have asked district boards and municipalities to make purchases of Burma rice to provide against contingencies. My Lord, this is no doubt a very wise step to take. But we are forced to ask, why should we starve or beg for our daily food from other countries when we ourselves have got sufficient food in our own country?

The question naturally arises, whether there is or was sufficient food in our own country, or is it the fact that Bengal is suffering from the world-wide shortage of food? If the latter, our position is helpless and we can suffer in silence and in tears. If, however, that is not the case, we have a right to approach your Lordship's Government to find out the remedy and relieve the country from the distress now prevailing.

Another principal article of food regarding which we think there has been some profiteering is 'sugar'. We cannot reasonably object to a firm of Marwaris having purchased the whole of Java sugar for 75 lakhs of rupees in that country. But we certainly object if they or any other people make large purchases of sugar in this country to make a monopoly of the article or for the eventual purpose of profiteering. I think if Government were to enquire into the matter they would find that some profiteering is going on with reference to sugar and that Government may help the people to put down the price, if not to its normal condition to what it was in pre-war days at least to a certain extent. The export of sugar from this country should be stopped at once. The people of America have given up drinking intoxicating beverages and as a substitute they have taken to drinking sweet drinks. There have been large exports of sugar even from this country to America. Why should this be allowed to be done to the inconvenience of the people of this country?

There are other articles of food, such as *dal*, mustard oil and ghee, the price of which have gone up to an abnormal extent. There has been shortage of rye and pulses owing to failure of these crops, and I also think that the price of these articles have risen on account of rise in the price of rice. I think it is an economic law that when the price of a staple article of food increases abnormally, from any cause, the price of every other article of food and manufacture must necessarily rise. The man who has got his *dal* will exchange the same for rice, and the price of rice having gone up, the price of these articles have naturally gone up. It is therefore necessary that steps should be taken to put down the price of rice so that we may hope to get the other articles of food at a lower price.

Now as regards cloth. Pursuant to a resolution of this Council, there was a Committee appointed to ascertain the high prices of cloth. This was in 1918. The Cotton Cloth Act was passed by the Government of India, and as stated by Sir George Barnes in September last 'prices fell immediately standard cloth was placed on the market, and the fact that it has been on sale has undoubtedly kept the prices of ordinary cloth down'. With a view not to frighten the importer or trader, the standard cloth was not introduced in Bengal, whereas the sister province of Bihar and Orissa took full advantage of the introduction of standard cloth in the market and it was a great relief to the poor people of that province. But in Bengal, the price of cloth came down for a short time with the passing of the Cloth Act and the apprehension of the sale of standard cloth; it again went up as soon as that apprehension was removed and the traders were convinced that your Lordship's Government were going to do nothing, that the Cloth Committee was not going to interfere with vested rights though, according to official report, standard cloth was popular among those who got it. Only about 461 bales of cloth were supplied to Bengal, *i.e.* one-tenth of that

hich was supplied to the United Provinces and Bihar and Orissa, respect-ely, and about two-fifths of that which was taken by the Punjab, and in Bengal ly the famine areas and those which were affected by the cyclone in Septem- had been supplied with standard cloth. We find, however, the following ry significant remarks of Mr. Donovan, the Registrar of Co-operative Societies, this connection. He said that 'the quantity of standard cloth sold was sufficient to affect the market rates of other cloth, but the fact that standard h could be counted on had a salutary effect on potential profiteers'. Though ere has been a steady rise in the price of cloth, no attempt has been made Government to grapple with the situation and to come to the relief of the or people. On the other hand, in a telegram to the President of the Indian ssociation, the Secretary to the Government, Revenue Department, said though some increase of price of cloth is manifest in the last six months, it not such as would justify a recommendation for the restarting of standard th. But so far as Bengal is concerned, there was no starting at all in the e sense of the word ;—why speak of restarting ? And then we respectfully k, why not ? If the introduction of standard cloth had even to a small tent the effect of relieving the poor, I ask, in all solemnity, is it not the mden duty of Government to introduce that relief which considerably ehorates the condition of our poor unclad fellow-countrymen ?

In September 1919, Sir Dinshaw Wacha moved in the Imperial Council the appointment of a Committee to investigate and report as soon possible on the extent to which profiteering was prevalent in India. George Barnes, the Member-in-charge of the Department of Commerce, ended the resolution by defining the scope of the Committee to be consider the high prices which at present prevail in articles of ily consumption and to suggest such remedies, etc Unfortunately, decision of that Committee is not yet before the public and nobody knows hen it will be made public. If your Lordship's Government consider that ere is no profiteering at the present time as regards foodstuffs, then would ask your Lordship's Government to consider, as was done by the overnment of India, the whole question of high prices of foodstuffs and ggest such remedies as may be considered necessary, because without moving the causes of effects it is impossible for human intelligence to find t remedies. Therefore, I say, first discover the cause and the remedy will palpably clear to your Lordship's Government. We hear nowadays of the gh prices of foodstuffs and of cloth or any other commodity ascribed to me worldwide cause—to the low exchange, to the depletion of silver, etc. t unfortunately the unsophisticated people of this country do not understand l that. They know that their mother-country Bengal has always been oductive of abundant crops, that few and far have been the famines in e country, that their country is what the poet has said of her (Sujalam ifalam Malayaja Sitalam Sasya Shayamalam Mataram) 'সুজলাং সুফলাং মলয়জ শীতলাং শস্য শ্যামলাং মাতরং'. Why should in such a country the people arve and more than famine prices rule ? Why should the people of this untry, which is not dependant upon any other country for its foodstuffs, on the verge of famine ? A similar situation has presented itself in other untries and they have grappled or are trying to grapple with the situation. e Profiteering Act is already the law of the land in England. That is ready shown in the price of tea there. Why should not a similar Act be ssed here if it is considered necessary in the interests of the people ? "

e Hon'ble Babu Akhil Chandra Datta said :—

" My Lord, I do not think it will serve any useful purpose to take up the me of the Council by trying to prove that the situation is acute. That is a

fact which is admitted on all hands. My hon'ble friend has laboured long prove that the situation is acute, but speaking for myself I do not think necessary to do that. The question is how to stop this state of things. The is another matter, if I understand the position aright, about which there is much controversy, namely, that the price of foodstuffs has been forced up least to a considerable extent by profiteering. The whole question there is how to put a stop to this. Now, my Lord, so far as the principle concerned, when the Calcutta Rent Act was passed one of the reasons which that Act was opposed by a certain section of the House was that there was profiteering in other directions also and that why should the attack directed against any particular kind of profiteer, namely, the landlords? We on this side supported Government out and out, and we did so on the understanding that steps would also be taken against other kinds of profiteering. The time has, therefore, come when the same principle should applied to the case of high prices of cloth, foodstuffs and other necessaries life. I am afraid, my Lord, that if this is not done then the charge which was brought against Government on that occasion by Rai Debender Chunder Ghosh Bahadur that that Act was taken up because there was so much clamour near and round about Government House would be established and Government ought now earnestly and vigorously to stop profiteering in other directions."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, this resolution deals with a subject with the general merits of which the Council must by now be somewhat familiar. The reason that has formed so often in recent times a matter for debate is doubtless because the hardships of high prices are so very obvious, and in fact are felt by us every day of our lives. That it should have been the subject of frequent debate I have no complaint, because the more the facts are ventilated the greater the chance of due appreciation of the merits of the question and the greater the chance of the elaboration of possible remedies and the discarding of impossible ones. But it is an unfortunate feature of these not infrequent debates that whereas we hear much about the hardships, which are admitted we derive singularly little light or leading towards the discovery of solutions over and above those which we are attempting. We have already attempted solutions and are attempting them, and I emphasise the point as Hon'ble Members so often speak as if the Government have throughout sat with folded hands doing nothing in this matter.

The actual resolution which is now before the Council asks for an enquiry and the first point regarding it to which I would invite the attention of the Council is its extraordinarily wide scope. It covers all articles—articles in general—and it asks us to ascertain whether unreasonable profits are made by persons engaged in their production, handling and distribution. If this means anything, it means that the field of enquiry would extend from the ryot in the field to the railway companies, steamer companies, boatmen and carmen who convey goods about the country, right up to the small *muffas* shops which eventually sell them. I venture to think that if we attempted enquiry of that sort, it will be found at a time when I certainly shall hope to lay down my official duties, and many of the members of this Council will be looking forward to retirement, that this committee will still be sitting. However, it is of course possible that an enquiry can be of a more restricted and practical scope, and in relation to that I would refer the Council to the previous discussions which we have had, by way of avoiding the repetition of many of the arguments which were then used, while recalling to the memory of the Council the salient points.

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Our first discussion on the subject was in February 1918, when the Hon'ble Babu Akhil Chandra Datta recommended the regulation of prices. Unfortunately for him, though fortunately for the province, the prices of foodstuffs were then abnormally low. I endeavour to trace the course of prices, and to argue against a somewhat rash adoption of a general policy of regulation. Then in February 1919 we had Rai Mahendra Chandra Mitra Bahadur advocating action on the lines of Bihar and Orissa in respect of the control of grain, cloth and foodstuffs, and again in answer to that I need not again go through the history—I explained the system of Government food control and endeavoured to differentiate between the cloth problem in this province and Bihar and Orissa and to give the reasons why we had not thought it necessary to adopt measures which had been taken by our neighbours not because, as the Hon'ble Babu Bhabendra Chandra Ray thinks, that we were frightened to tackle the trade, but because we held that an attempt to do so in the way in which we were asked to proceed would end in more harm than good. That resolution was lost. We next had 4 resolutions in July 1919; one recommending a committee and three recommending in general terms such action as was feasible. On that occasion Sir John Cumming explained the position of Government, and the Council will remember that he went in some detail into the factors bearing on the position, world factors of the war and its effects, particularly in respect of inflated currency, all-India factors of crop failure, and local factors of defective crop returns and inter-provincial transactions. He again controverted various misstatements which had been in connection with the rice control, while he emphasised the conclusion that the fixing of prices for all kinds of foodstuffs in Bengal was not practical politics.

As I have said, I do not wish to go through all those arguments again. They are on record for those who wish to read them, but we had further debates quite recently in the Imperial Council in September last, when the Hon'ble Babu Kamini Kumar Chandra moved that steps be taken to reduce prices. Both Messrs. Mant and Ley on that occasion gave clear expositions of the facts as they appeared to Government. I would only emphasise two extracts, namely, one from Mr. Mant's speech, who remarked, 'I am inclined to agree that profiteering is only a detail in the problem of high prices,' and another from Mr. Ley's, who said, 'I think it can fairly be said now that the present wholesale prices of Indian cloth are not unreasonable, when the prices of cotton is taken into consideration, as a matter of fact the margin between the price of standard cloth manufactured under the Cotton Cloth Act and the price of ordinary cloth is now so narrow, and has been so narrow for some time past, that the manufacture of standard cloth is at present in abeyance.' He dwelt on the fact that in the matter of cloth India was an importing country, and ill-advised action might seriously retard the importation of fresh supplies.

Following that debate we had the motion of Sir Dinshaw Wacha which asked for a committee, and a remark of Sir John Barnes in answer to that appears to be apposite. He observed that Government had no wish to conceal anything; they had done their best to explore all possible avenues of remedy, but if there were any others to explore he would be willing to do so, and accordingly a committee was appointed. But it is a relevant fact to remember that although that committee was appointed in September 1919 it has so far been able to accomplish very little. It has sent down to us two recommendations of a general character—one, that we should create advisory prices committees, which we have done; the second, that co-operative stores might help to alleviate the situation; this we commended to the Registrar of Co-operative Societies. But, apart from that, this committee, representative of all India and sitting with access to all possible sources of information,

does not appear to have been able to do much of a practical character fact we have been told by Mr. Hullah, who is now Secretary to the Gove ment of India in the Revenue Department, that the subject of a Profiteer Act formed the subject of enquiry by the committee, but it was generally h that such methods as the opening of cheap grain shops, distribution of s plies through co-operative societies and the formation of local advisory co mittees, stood a far better chance of success.

I may refer the Council to other leading sources of recent informat on the point, foremost among which is the report of the Foodstuffs' Co missioner. This gives a very full account of what he did and why. Ag in the *Statesman* of the 26th June there was a very clear article describ in simple language what the position is. So in the light of these facts th is very little excuse for ignorance of the main conditions, and, to be bri we know perfectly well that the present conditions arise primarily from t war, with its destructive trail throughout the world, and consequent in tion of currency, decrease in production and difficulties of transport. T position cannot be made good until these evils disappear.

Lastly, I would only mention a very clear letter which appeared in t *Economist* of the 3rd April from Professor Gollancz, who also arrived similar conclusions. I should be glad to lend it to anybody who cares to re it. Meanwhile I will make one or two short quotations. He begins by s ing that the causes which have led to a rise of prices are:—

'(*a*) world inflation;

(*b*) the state of the exchanges;

(*c*) increase in the cost of production,

(*d*) decrease of supply for the civil population;

(*e*) monopolistic conditions.'

He continues lower down that 'Some sort of rough estimate of t proportion of increase due to each of these causes respectively is necess if we are to make any forecast of the future Such an estimate can at le be made on a general impression; but it may be said with considerable c fidence that *at least* half the rise is due to the following closely connec factors:—

the inflation of credit;

the inflation of currency both necessitated by, and leading to, t inflation of credit;

that part of the increase in wages which has been necessitated by t inflation of currency and credit.'

Later he arrives at, I admit, the pessimistic conclusion that 'If, th the factors responsible for more than half the increase are more or less p manent, and if in addition even the factors responsible for the other h of the increase are not likely wholly to disappear, we may certainly say th it is improbable that prices will fall to any considerable extent for a gre number of years.'

Now, Sir, these in brief are the leading causes which have brought abo the present unfortunate position, and although figures have already oft been made public, I will add to the printed account of the proceedings t latest statistics with which the Director has supplied us They bear o what has often been pointed out before, namely, that the rise of prices other countries is far higher than has been in the case of Indi ports; namely, to cite a few examples, 320 per cent. in Belgium; 155 per ce in the United Kingdom, running down to 63 and 62 in Australia and N

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Zealand. In India on the other hand, taking the retail prices of certain food stuffs, the percentage of increase on a general average has only been about 80 per cent., while among the ports Calcutta has been more favoured than others, more favoured in the sense that the percentage of increase has been lower in Calcutta than elsewhere. The figures are in Calcutta 61, Bombay 87, Karachi 68, Rangoon 75 and Madras 107

So, therefore we have an all-world crisis, and the mere cry to stop profiteering cannot by any possibility remedy it We have, however, done much. In the matter of foodstuffs, there has now for some time past been the system of Government control The inter provincial control has recently been abandoned, but the Revenue Department published a *communiqué* yesterday dispelling any idea that such action has tended to the detriment of Bengal The foreign export of foodstuffs has been severely curtailed, and in the article of the *Statesman* to which I have already referred figures were given showing that less than 9 000 tons of wheat were allowed to be exported during the last financial year, whereas exports ordinarily amount to anything from 700,000 to 1,500,000 tons. Rice exports from India proper ordinarily amount to 500,000 to 600,000 tons, whereas this year only 49,000 tons have been exported up to date. 'It is commonly represented that high prices in India have been and are due to the excessive export of food grains out of the country This is entirely untrue.' Again, in Bengal, in particular, we have ever since the middle of last year, made extensive use of the remedy of importation from Burma Last year over 100,000 tons of rice were brought from Burma, while from yesterday's *communiqué*, which I have already mentioned, the Council will observe that this month 12,500 tons of rice are being brought to Calcutta and 10,000 tons to Chittagong; in July the quantity will be still larger. Apart from rice the Council is aware that towards the end of last year, at the Puja time, we laid in a moderate stock of standard cloth with the intention of stopping improper speculation and profiteering, while at an earlier stage of the preceding year we intervened to put a stop to profiteering, believed then to be rife in the Calcutta market, by licensing all sales of cloth We also did our best to relieve the distress in the cyclone area in particular, by the distribution of rice and cloth. In the matter of salt we are still controlling prices, and in the matter of kerosine oil we had a control which we abandoned fairly recently when we thought it was no longer required In all matters, therefore in which we considered it in any way feasible, we have taken direct action to mitigate the hardships of high prices

But we are still assailed by this cry of 'stop profiteering' That profiteering has gone on in England, is, I take it, undoubted, and the idea seems to be that we should proceed on some such lines as have been adopted in that country. What has been done there is to pass an Act in November 1919 (there was a subsequent Act of 1920 of which no copies are as yet available in this country), which gave powers to the Board of Trade to make enquiries into alleged profiteering in different industries and to fix prices, while it set up local tribunals for the investigation of allegations of malpractices in retail transactions, and it has been said to day that that measure has worked with most marked success All our information is to the contrary, and that is borne out by the Government of India, who have told us informally that it is very doubtful whether the Act has succeeded in England, while it is almost certain that it would prove a failure in India That English Act has a somewhat curious history, and as far as one can gather, political considerations entered into it somewhat largely Under pressure the Government of the day appointed a select committee to investigate this question of high prices, but before the investigation had scarcely begun they closed it down and introduced a Bill. I find in the published debates

some instructive criticisms. For instance, one member of the House remarked that 'it was a bad Bill to begin with; it is a bad Bill still, and nothing that the House could do, either in Committee or the Report stage, could make it a good Bill. This is all the result of legislation in a hurry. Its terms when it was introduced simply constituted a bluff on the public.' As to the actual working of this measure our information is not as full as we would like, but as far as we can gather, very little resort has been had to it, and we know it has failed to bring about a revolutionary reduction of the high prices which have prevailed in England. If this measure had been a wonderful remedy prices must have fallen to a greater extent than has been the case. Another remark by Lord Robert Cecil strongly corroborates this view, when he says (in connection with a proposal about housing) that he hoped 'they were not going to commit the same mistakes which some of them made over the Profiteering Act, in holding up to the country as a remedy what has proved to be a very trifling element in the matter.'

So I feel justified in saying that on the information we have, this English Act has not been the success which it is thought to have been in some quarters. If that Act has failed in England, is there any greater likelihood that a measure of a similar kind would be a success here? I know at least in one quarter, such a measure is favoured, and a definite proposal for legislation has actually been laid before Government, but apart from the intrinsic possibilities of successful legislation of that kind, I would point out to the Council that it is absolutely impossible that a measure of that type should be provincial. Obviously, if we are to legislate to curtail local prices only, we merely send supplies elsewhere, thereby cutting our own throats, while thinking that we are going to acquire some marked advantage over our neighbours. Still, that is one remedy to which reference has been made. Another remedy from which some people hope great things is the commandeering of stocks. But there again, all our experience points to the contrary, and it is relevant that Mr. Mant, in the debate to which I made reference, quoting the experience of Lahore, when, under martial law, they attempted there to fix prices, referred to the result as merely that of checking supplies, and last year a very apposite example came to our notice in Dacca and Mymensingh. Both those districts have always been somewhat more panicky than their neighbours on the subject of prices. Last year, when we were at Dacca, the Collector came round and asked for power to commandeer stocks in the hope of checking public alarm. He was given the power. Next day he came and said it was driving off supplies from the town, and urged that no action should be taken. So none of the remedies which we are talking about are as simple as they look.

As to the existence of profiteering in this country at the moment, it is difficult and often dangerous to dogmatise. One does not wish to say anything which can be twisted (as we know has been done in the past) as a kind of charter from Government in favour of profiteering. Thus, if we argue that profiteering is not the sole cause of the trouble, it is misrepresented to the effect that we hold that profiteers are not as black as they are painted, and that therefore they can continue in their bad work. But we have made two enquiries, one in August of last year, and the other only recently, of all district officers as to the extent to which, in their opinion, profiteering is going on, and their replies were distinctly of a negative character. The same conclusion has been arrived at, as was admitted by the Hon'ble Babu Surendra Nath Ray, in Calcutta, by enquiries made under the auspices of the Corporation, and more particularly in the matter of cloth, where the expert committee laid stress on the fact that Indian prices of cloth are markedly below those prevailing in Manchester. I will not, therefore, go

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further than to say that the extent to which profiteering is going on at present is at least a moot point, while I have endeavoured to show that profiteering is only one among many other causes of the prevailing enhancement of prices.

Well, Sir, if the facts are as I have tried to explain, it follows that, in our opinion, the deliberations of a committee are not likely to be very fructuous, but if the Council wish a committee, we have not the slightest desire to stand in their way. If the Council decide to convene a committee, and if any Member expresses a desire to serve on it, we will be perfectly willing to lay our papers, and such information as we have before them, and we will show every consideration to any recommendations they may make. If they can find a remedy, so much the better. If we are sceptical of any sweeping remedy being forthcoming, it is only as a result of our experience of the last few years. That is our position. If the Council want a committee, we are perfectly willing that they should have one."

STATEMENT A.

Percentage increase in the retail prices of food in the various countries at the undermentioned dates, as compared with July 1914.

COUNTRY.	Rise.	Date.
	Per cent.	
Belgium	320 (a)	February 1920
France (Paris)	239 (b)	March ,,
Italy (Rome)	200	March ,,
Norway	198	March ,,
Sweden	191	March ,,
United Kingdom	155 (c)	1st June ,,
Denmark	151	January ,,
Switzerland	137	March ,,
Canada	115	March ,,
Holland (Amsterdam)	105	March ,,
United States	96	March ,,
South Africa	83	March ,,
Australia	63	March ,,
New Zealand	62	March ,,
Spain	30	September 1919.

(a) Includes fuel, lighting and clothing.
(b) Includes fuel and lighting.
(c) Wired by the Director of Labour Statistics, the Ministry of Labour, London, on the 18th June 1920.

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STATEMENT B.

Index numbers (unweighted) of retail prices in Calcutta, Bombay, Karachi, Rangoon and Madras at the end of May, 1920, as compared with those at the end of July, 1914.

ARTICLES	End of July 1914	Calcutta	Bombay	Karachi	Rangoon	Madras	India (a)
Rice	100	129	135	141	137	261	161
Wheat flour	100	134	170	131	152	...	147
Pulses	100	159	213	171	185	179	181
Foodgrains (cereals and pulses)	100	146	170	150	159	228	171
Sugar	100	465	283	313	264	333	332
Tea	100	125	133	129	109	118	123
Salt	100	150	128	145	150	150	145
Meat (beef and mutton) ...	100	116	210	142	160	225	171
Fowls	100	144	300	145	...	247	209
Eggs	100	119	229	187	..	154	172
Fish	100	127	...	...	155	140	141
Dairy products	100	168	237	244	143	156	190
Vegetables (other than potatoes) ...	100	121	180	229	114	181	165
Potatoes	100	83	128	89	...	233	133
Edible oil*	100	122	129	133	140	119	129
Average—All food articles ...	100	159	188	168	161	208	177
Kerosine oil	100	185	196	188	172	178	184
General average (unweighted)...	100	161	187	168	175	207	180
Wholesale price—							
Cotton piece-goods ...	100	365	289	309	272	283	304
Coal, Bengal	100	170	222	169	181	197	188
Average (all articles) ...	100	179	203	177	185	208	190

(a) Average of five ports, Calcutta, Bombay, Karachi, Rangoon and Madras

* Mustard oil in the case of Calcutta, sesamum oil in the case of Rangoon, and cocoanut oil in the case of other ports

NOTE.—Figures are based on retail prices reported by the respective municipal market authorities, except in the case of Bombay and Karachi, which are compiled from the monthly returns published by the Director of Agriculture, Bombay. Wholesale prices are mainly compiled from the Chambers' prices current reports

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, I came to the Council with an open mind on the subject matter of this resolution, and after listening to the speeches of my hon'ble friends both on the official and non-official sides, I regret to say that the debate, so far at any rate as I am concerned, has given me no further light. The Hon'ble Sir Henry Wheeler at times almost convinced me that control in any shape or form would be worse than useless, because the present high

Mr. P. C. Mitter.

prices are due to world causes, causes beyond the control of this Government or the Government of India or, for that matter, of any Government. If that is so, I fail to see how your Excellency's Government thought that control in the matter of coal, kerosine oil, salt and house rent could be effective. At any rate, my Lord, in the cry for control raised by the Hon'ble Babu Akhil Chandra Datta and the Hon'ble Babu Bhabendra Chandra Ray there is consistency. As I have explained on a former occasion, your Lordship's Government, by yielding to the cry of control in the matter of house rent and certain other matters, and in refusing to control prices of the necessities of life, and of housing the poor, have placed themselves in a position of inconsistency. I would ask the Government carefully to apply those reasons which have been applied to-day against the arguments of my hon'ble friends, and if we do so what do we find? It is undoubtedly true that the world causes are the prime causes for rise in prices. It is undoubtedly true that mere control can only be a tinkering, to put it at the highest, but my Lord, it is also common sense, and it also appears from our daily experience, that when there is a demand larger than the supply, then a tendency to profiteering is inevitable. I had the honour to serve on the Cloth Committee, and I had the advantage of listening to discussions raised by the Hon'ble Mr. Crum, the Hon'ble Raja Hrishikesh Laha, and Rai Hariram Goenka—gentlemen, who, I believe, are all experts in the cotton trade. One point impressed me very much, viz., that the price of cotton cloth in India at any particular date was lower than the replacement price at Manchester, so that if the petty trader could hold his stock of goods for say, six months or a year, he could easily pay 12 per cent. to his money-lender or banker, and yet easily make a very high profit. What is the reason? The reason is pretty obvious; the supply has shrunk, and the demand has not shrunk; the same thing impressed me as regards bricks. My Lord, it seems to me that control can only be a temporary remedy, and perhaps a remedy which is not always desirable, yet when there is great abuse, it is desirable to provide a temporary remedy. In the brick trade, the cost of production has perhaps risen by 50 per cent., but the price of the finished commodity has gone up by 300 per cent; so in the case of food-stuffs. Now, my Lord, I venture to think that having yielded in the demand for control in some important matters, it is not quite open to your Lordship's Government to be obdurate over other things, and perhaps more essential things. At the same time, I feel that the terms of this resolution are too wide as the Hon'ble Sir Henry Wheeler has pointed out, but, however wide, it would bring within its scope all articles of necessaries of life. But, my Lord, although the resolution is too wide so far as the first part is concerned, the second portion suggests a line on which legislative or executive action seems to be desirable. Speaking for myself, I would lay far greater stress on the second portion than on the first. I have never been a believer in control or in interfering with free trade as a permanent remedy. For a permanent remedy I believe in self-help. I quite appreciate that by self-help we cannot solve in a day pressing problems of supply and demand, but the sooner we begin the better. For the last three years we have been debating on the question of high prices, but we have not been doing much in the matter of self-help. Take, my Lord, coal, and food-stuffs. If there were a freeer supply of wagons the position with regard to coal and food-stuffs would be much easier. The question of more wagons is a question of self-help. I understand, however, that some parts of a wagon cannot be manufactured in India, but that is no reason why we should sit with folded hands. I am not an expert and it is not for me to put forward a scheme for manufacturing more wagons, but there are others who are more competent to speak on this point than myself and whose advise is available to Government. As regards food-stuffs, we have 45,000 square miles of cultivated land, of which 33,000 miles are paddy lands; perhaps 90 per cent. of this yield but one crop. I have myself experimented, and I can assure hon'ble members there are many fields that are capable of yielding two crops, but it requires organisation concerted action, and money to make two crops grow where one grows at

the present moment. The problem may be too big for individual effort, but it is up to the Government to take a lead. My suggestion is on the lines of what the Hon'ble Maharajadhiraja Bahadur of Burdwan said when introducing the Rent Bill, that we want control to meet the intermediate stage, but the real solution is self-help. I hope your Excellency's Government will follow up the suggestion and appoint a committee with more restricted scope, restricting it to inquiries about the necessities of life."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said:—

"My Lord, I raised this question for discussion in the Council in the year 1918. The subject was discussed thoroughly, and when I got a reply from the Government member, my heart was sad, and I thought that the matter was hopeless. Again the same question was taken up for discussion by other hon'ble members, and the same vague explanations were offered to us by the Government member, explanations going to show that the whole question is a world problem. But, my Lord, that did not satisfy the people of Bengal; that did not satisfy us at all. We thought that Government would give us some remedy for the hardships from which we are suffering. My Lord, there is acute distress in every part of Bengal on account of the rise in prices; it requires no discussion to admit that; it demands no kind of enquiry; it is evident. Fifteen days ago I had the honour and privilege to make an enquiry as a member of the district committee as to the rise in prices in a mufassal station. The price was said to have been at that time Rs. 8 for coarse rice, and today it has risen to Rs. 9-4. The price of cloth has similarly risen. What is the *bonâ fide* reason for the rise in prices today? One cannot forget that it is a world problem no doubt, but is it unreasonable or unjust to expect that the Government should find out some remedy, and that is the reason, I believe, Sir, that this resolution has been put forward. The Hon'ble Sir Henry Wheeler is willing to have a committee, provided that information be given as to the mode of relieving the poor who are suffering from this distress. Very well, my Lord, we thank him for that; he wishes to have an inquiry on the subject, but at the same time it is necessary to inquire into the reasons for profiteering. Profiteering simply means an unreasonable demand of profits. If we go to the mufassil cultivator, we find that he sells his rice to the *bepari* or middleman, the middleman takes the rice to the *aratdars*. I myself had been to my own district to ascertain whether there is profiteering on that score, and found on examining the accounts, that I could not help the district committee by telling them that there was profiteering. It is very difficult to ascertain that, and when we asked the mufassil people to explain the reason of their heavy charges they pointed to Calcutta. They say, that is the place for it; we purchase cloth from the Marwari, and he charges heavily; what can we do? We went to the rice-seller and the answer was the same. These, my Lord, are points which are indisputable and which will require the time and consideration of an expert committee, so that they may be in a position to enlighten the committee as to the further steps to be taken. My Lord, I entertain high hopes if an Act were passed in this connection. Of course, we are told that the operations of the English Act were not successful. My Lord, I cannot say anything more on this subject than that of what we are assured. If your Excellency's Government had been able to provide the people of Calcutta with a Rent Act to stop unreasonable profiteering on the part of the rapacious landlord, then if Government are in a position to interfere in this connection. Government may also move to give us an Act of this kind. Enquiring and questioning the people will not be sufficient; there must be power for the Government to interfere whenever there is an unreasonable demand for

profit; that is the way I view this question. Government have power to do that. But the question is this; the world problem is before us, and we find that the trade of Calcutta is intimately connected with the trade in Europe and in other civilised parts of the world. It is reasonable to pause for a moment and consider whether the Government should by an Act interfere with free trade. I heard a statement the other day about the privileges of trades people and merchants; this is a matter which demands proper consideration before any man can venture to say whether such an Act will be successful in dealing with the very question which is at issue before the Government. I need not take up your Excellency's time further. I entertain high hopes that if there be a committee, and if proper enquiry is made, we may be in a position to find out the persons who are indulging in unreasonable profit, and if so, Government may take executive action in the matter, if Government be not inclined to legislate for the purpose. It will be a temporary measure for putting a check on profiteering. If you go to the mufassil, you will not be in a position to find out what profiteering is; if you come to Calcutta, and if you depend upon the experience of those who stay in Calcutta, the committee will be in a position to find out who are the profiteers. If you cannot find out profiteers, then the whole problem will be solved. The first question is, is there any profiteering; that should be the subject-matter of enquiry, and if there be no profiteering, then certainly the whole problem which we have been discussing for the last two years falls to the ground. That is the view which I take, and which I submit to the Council.'

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My lord, I did not come, as my hon'ble friend Mr. Mitter said, with an open mind to this Council this morning. I came to speak on this question, and to support my friends, the Hon'ble Babu Bhabendra Chandra Ray and the Hon'ble Babu Akhil Chandra Datta. If my friend the Hon'ble Babu Bhabendra Chandra Ray would be so good as to amend the wording of his resolution, I will be quite at one with him. The words I would suggest to him to insert are the words 'of food and other necessaries of life' after the word 'articles' in the second line of his resolution. I take these words from the resolution proposed by the Hon'ble Babu Surendra Nath Ray. I will not twit the Government as my hon'ble friends Rai Mahendra Chandra Mitra Bahadur and Babu Akhil Chandra Datta have done by saying that Government were found to be quite willing to control house rent in Calcutta, yet they strained at the idea of giving relief to the poorest of the poor in this province in the matter of food and clothing.

In the matter of control of house rents there is not much difficulty, but in the case of controlling the prices of foodstuffs and other necessaries of life there is considerable difficulty, and the principal difficulty is that we have to go by the policy of the Government of India, who have declared their policy in no unmistakable terms. They do not see their way to controlling the prices of foodstuffs and other necessaries of life, and unless this Government are prepared to put new facts and new considerations for changing that policy, it is almost hopeless to expect this Government to go against the declared policy of the Government of India and tell the people of Bengal that they would do something in the direction of giving relief in the matter of prices of foodstuffs and other necessaries of life. I quite appreciate that and I sympathise with your Lordship's Government because I cannot forget that your Lordship has, since coming to Calcutta, been engaged in the amelioration of the health of the mass of the people, and I cannot possibly believe that knowing, as your Excellency knows, the condition of the masses, and how the factor of high prices has affected them, that your Excellency will not try to check any oppressive act on the part

of any of the persons who are responsible for bringing goods to market and raising their prices. But at the same time I would venture to draw your Excellency's attention to the fact that there is the English Profiteering Act, and instead of agreeing with what the Hon'ble Sir Henry Wheeler has said as regards the causes which led to the introduction of the passing of that Act by Parliament, I venture to dissent from his inferences to some extent because I find that the English Profiteering Act of 1919 is still in force in the year 1920. If it had not been a success in 1919 its life would not have been prolonged as it has been done recently ; and therefore whatever party in Parliament opposed this measure it must have been in the minority. Whatever the Government of India might have thought in adopting the views of some members of the minority in Parliament in support of their position in the debate in the last cold session in the Imperial Council, there is the naked fact that the English Profiteering Act is still in force, and I therefore cannot believe that the operation of the Act has been a failure. I am a reader of Calcutta newspapers and I have never found any reference to the failure of the operation of the English Profiteering Act in England. I have also read a certain book on the Profiteering Act with a foreword by Mr. McMordie, who is Secretary of the Committee of the Profiteering Act in England, and I have not been able to gather that the Act there has been the result of bad statesmanship. If, my Lord, this Act is still in force in England, why should we not try to pass a similar Act in the province of Bengal ? It is very harmless, and if it is thought that it will lead to oppression amongst ignorant people, its operations may at first be confined to the town of Calcutta where the people are more intelligent and able to assert their rights and to defend themselves. The Act provides for the appointment of a committee which will make enquiries in regard to the cost of production of articles and the increase in prices due to change of hands until they arrive in the market. It is a very intelligible provision and I fail to see why the prayers of the non-official members of this Council who at least know something of the state of things in the mufassal should not be heard. I cannot think why European members of the Council who are in comfortable circumstances should refuse to listen to the prayers of the representatives of the Indians in this Council in a matter like this. I suppose that none of us do feel the effect of the high prices so much that we expect to make a row about it or to clamour for the introduction of some hasty measure like that of Lahore to which reference has been made by the Hon'ble Sir Henry Wheeler, but what we ask is that we should make the necessary enquiries and then introduce the measure. Sir Henry Wheeler has been pleased to tell us that a private committee without statutory powers may be appointed. I fail to see how such a committee can do anything in furtherance of the views which we entertain, because it will not be a statutory body who will be able to look into the accounts of the dealers, whereas the committee appointed under the English Act has certain powers under that Act to go into the accounts of the persons through whose efforts the goods come to the market at the last stage—powers such as the Income-tax Collector has in ascertaining the income of the proposed assessee. Therefore I think a committee as suggested by Sir Henry Wheeler will be somewhat useless. Then, my Lord, reference has been made to the importation of Burma rice and reference has also been made to the debates on this subject .....(At this stage the hon'ble member having exceeded the time-limit resumed his seat.)

The President said :—

"Sir Henry Wheeler has already explained that Government are prepared to accept this resolution. I do not for a moment wish to prevent hon'ble members making speeches if they desire to do so, but under these circumstances the advantage of continuing the debate is perhaps doubtful. If

hon'ble members are anxious to make speeches. I do not forbid them, but I would remind the Council the Government have accepted the resolution."

The resolution was then put and agreed to.

The Hon'ble Babu Surendra Nath Ray and the Hon'ble Babu Akhil Chandra Datta then withdrew the following resolutions which stood in their names, respectively :—

This Council recommends to the Governor in Council that Government be pleased to take such action as may be necessary, and, in so far as it lies in their power, to put a stop to all profiteering as regards articles of food and other necessaries of life.

This Council recommends to the Governor in Council that the Government be pleased to take all possible steps to put a stop to all manner of profiteering in rice and cloth.

LIST OF BUSINESS—ITEMS Nos. 13—16.

The President said :—

"The Council will observe that the remaining resolutions on the agenda paper deal with proposals which have been made in connection with the Reform Scheme. Government have already expressed their opinion officially upon all these matters and I propose, therefore, that the voting on these resolutions, if any voting does take place, should be confined to the non-official members of the Council. What we desire now is to have the opinion of the non-official members. I propose therefore to ask the official members to abstain from voting, should any of these resolutions be put to the vote. At the same time Government will be quite ready to assist the discussion by expressing their views or explaining points which may require further elucidation, and the Hon'ble Sir Henry Wheeler will be prepared therefore to undertake that duty as the debate progresses."

The Hon'ble Babu Surendra Nath Ray moved the following resolutions :—

This Council recommends to the Governor in Council that immediate steps be taken to telegraph to the Government of India, the Right Hon'ble the Secretary of State for India and the Joint Select Committee of Parliament that this Council records its deep sense of disappointment at the draft rules under the Government of India Act relating to the financial relations between the Indian and Provincial Governments, as being inequitable to Bengal and likely to jeopardise the successful working of the reforms in the Presidency ; together with the substance of the speeches in Council.

This Council recommends to the Governor in Council that immediate steps be taken to telegraph to the Government of India, the Right Hon'ble the Secretary of State for India and the Joint Select Committee of Parliament that this Council is of opinion that the recommendations of Lord Meston's Committee have no reference to the impending increase in administrative expenditure and other inevitable obligations and proceed upon an exaggerated and indefinite idea about the further taxable capacity of Bengal ; together with the substance of the speeches in Council.

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This Council recommends to the Governor in Council that immediate steps be taken to telegraph to the Government of India, the Right Hon'ble the Secretary of State for India and the Joint Select Committee of Parliament—

(*1*) that this Council is of opinion that the reasons assigned by Lord Meston's Committee for accepting the principle of division of existing heads of revenue as between the Provincial and the Imperial Governments laid down in the Montagu-Chelmsford Report are unconvincing and not based on equity, and

(*2*) that this Council urges—

(*i*) that as the basis of division the whole of the total amount of all taxation including customs and income-tax raised in any particular province should for the present be made provincial, and

(*ii*) that in case of doubt as to the proper apportionment of any source of taxation in future, *e.g.*, customs, steps be taken for ascertaining the facts so that they may be placed before the first Statutory Commission ;

together with the substance of the speeches in Council on this resolution.

This Council recommends to the Governor in Council that immediate steps be taken to telegraph to the Government of India, the Right Hon'ble the Secretary of State for India and the Joint Select Committee of Parliament that this Council places on record its protest against the proposed sliding scale of contributions imposing a contribution of 19 per cent. of the total deficit of the Government of India in the seventh year, so far as it affects Bengal,—

(*a*) as being opposed to the considerations laid down in the Montagu-Chelmsford Report for maintaining a uniform scale of contributions pending its revision by the Statutory Commission ; and

(*b*) the amount being higher than the amount which should be levied from Bengal on any equitable distribution of the burden ;

together with the substance of the speeches in Council on this resolution.

He said :—

"My Lord, the subject of the resolutions relating to the proposed financial settlement under the Reforms Scheme so far as Bengal is concerned is a matter of the greatest importance. The historical facts leading to the present crisis is well known. Under the law as it exists all revenues raised in any province, from whatsoever source it may be raised, belongs to the Government of India, and the Local Governments get what they are allowed by the Supreme Government. In practice taxes derived from some heads of revenue, *e.g.*, Land-revenue, income-tax, stamps, etc., raised in a province are generally shared between the Government of India and the Provincial Governments according to a proportion fixed separately for each particular province, while certain other heads, *e.g.*, registration, law and justice, excise, are either shared or wholly appropriated for the use of Provincial Governments, while still further other heads, *e.g.*, revenue derived from railways, mintage, sale of opium, etc., are wholly appropriated by the Government of India.

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Under the new system it is admitted by everybody that the provinces should not be dependant on the Government of India, and that it is necessary that the financial system should be wholly recast. Now what ought to be the criterion for this new adjustment? Everybody wants that it should not be unfair to any particular province, but the question arises how is this to be attained. A rough-and-ready method has been attempted in the paragraphs 200—207 of the Report on Indian Constitutional Reforms. When the Right Hon'ble the Secretary of State and His Excellency the Viceroy came touring round, collecting opinions on the subject of Indian Constitutional Reforms, no opinion was invited on this particular point. We may therefore assume that the system advocated in the report is the system as advocated by their financial advisers, and we know who they were. Leaving aside railways there are three main sources of revenue in India, *e.g.*, land-revenue, income-tax and customs. Practically no reasoning has been adduced as to why only certain heads, *e.g.*, land-revenue, judicial, stamps, etc., should be made wholly provincial, while certain other heads, *e.g.*, Income-tax, Customs, General Stamps, should be made wholly Indian. No attempt is made on any actuarial basis for arriving at a correct estimate of the revenue raised in any particular province. You cannot dismiss the subject by saying that there is at present no way, *e.g.*, by means of prescribed statistical forms, of accurately ascertaining the location of certain heads, *e.g.*, Customs or Income-tax. If you had not the means in 1917, may we not ask as to what attempts have been made to ascertain these things during the last three years? If the Government of India have not done this we think your Lordship's Government could have and should have done this long ago. The Report proposed that Land-revenue should be made wholly provincial. I am afraid the persons responsible for this had a very faint idea of the law of the land. For the last 5,000 years at least, if not more, the source of income of the Government has been the land-revenue which is known as the *Rajasva* and the idea is that the Government of India as an entity would have no connection with it. The Report proposed that Famine Relief should be made wholly provincial and that a certain amount should be yearly set apart for this—I say that famine relief does not consist merely in spending money. You must be able to supply provisions and that at a price within the ability of the poor. You could not under the new conditions control foodstuffs of one province for the benefit of another province. There will be a hue-and-cry if any attempt is made to do so as violating provincial autonomy, and Burma rice instead of going to Madras, or the Punjab wheat instead of going to the United Provinces where a famine might be raging, might be shipped away probably outside India to far distant lands and for the benefit of other people where they could be sold at a higher profit. But if this view is not accepted by the provinces who are likely to be more affected, it is perhaps not for Bengal to give advice where such is not wanted. But Bengal wants that in this new distribution she should be fairly and justly treated.

Practically no argument is adduced as to why Customs and Income-tax should be made wholly Imperial. The Committee accepts the redistribution proposed in the Joint Report as being approved by the Joint Select Committee of Parliament, although there is not one word either for or against the proposed distribution so far as the published report would show. The report on Indian Constitutional Reforms admits that Income-tax is but the industrial counterpart of the Land-revenue derived from agriculture, but would not allot it to the provinces because in some cases there would be a possibility of some claim of a share in another province. That agreement, even if valid, would only be an agreement for division of the income between two or three provinces and not for its allotment to the Government of India. Similarly in the case of Customs there appear to be very strong grounds for making customs duties, specially export duties, provincial. I shall examine the

matter in detail in connection with the third resolution on this subject, but the Meston Committee which was appointed certainly to go into the matter in detail and to examine the whole question equitably has not done it.

Under the present system Bengal out of a total income of Rs. 27½ crores pays about 20 crores to the Imperial Government, while Madras pays 11½ crores out of 20 crores, Bombay 19½ crores out of Rs. 30 crores, while the United Provinces pays about 5⅔ crores out of 13¾ crores ; and practically under the readjustment proposed in the Meston Report the same inequality of indirect contribution will be maintained, while Bengal will be forced to pay a standard contribution of 19 per cent. of the deficit of the Government of India—a contribution greater than the United Provinces, which has a far larger population. has to make.

The difficulty of the financial settlement was admitted by the joint authors of the report, and in paragraph 207 of their report it was laid down that the proposals made therein were for seven years only—an *ad interim* arrangement—and that a fair and permanent arrangement was to be made by the First Statutory Commission when the matter could presumably be mathematically examined. But no, the Committee admits that they have no means of properly evaluating the indirect contributions that will be made by the provinces, like Bombay or Bengal, but yet they could not shrink from the task of fixing the permanent share of contribution towards deficit to be paid by each Provincial Government. The proposal made in the Report for the provincialisation of General Stamps is only a sop to Bihar and Burma so that Bengal and Bombay should be left alone to fight the question of Income-tax. This only hides the inequitability and injustice of the whole scheme of distribution. The whole question of permanently fixing a share of contribution can only be dealt with after the groundwork has been fully explored and a proper data obtained as to the share of revenue to be credited to each province and then the share can be fixed according to population. But the Committee would not leave it to the future when only the proper data can be found.

In paragraph 23 of their Report the Meston Committee say that in making their recommendation they considered established programmes of taxation and expenditure and legislative and administrative expectations and habits. But in paragraph 13 they admit that the estimates of normal expenditure in each province are strongly contested, and in paragraph 16 that they have been unable to accede to schemes of future expenditure to which special importance was attached. I do not know what the other provinces have got to say in the matter, but I would protest strongly against the manner in which Bengal has been treated. On their own estimate the Committee have come to the conclusion that on the existing basis of expenditure Bengal will gain Rs. 40 lakhs a year. The Committee, however, do not take into account the increased annual recurring expenditure on account of the reconstruction of University education in Bengal amounting to more than Rs. 40 lakhs as the result of the recommendations of the Calcutta University Commission. The policy which will have to be carried out by the Ministers on the lines to be laid down in the new University Act to be introduced and passed in the September session of the Indian Legislative Council was announced by His Excellency the Viceroy long before the announcement of the policy of Constitutional Reforms by the Secretary of State in the British Parliament and evidently the success of the new policy will depend on the promptitude and efficiency with which the Ministers will be able to carry out the scheme. The whole of the supposed increase goes away at a stroke and under the new adjustments Bengal has actually not only no increase of revenue but a gradually increasing deficit as the contribution to the Indian revenue increases year by year. Then there is the whole question of Primary Education to be dealt with in Bengal, which in this respect is far behind other provinces,

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although we had the benefit of the experience of a Director of Public Instruction indented from England who was supposed to have first-hand knowledge of the system there and should have been able to push through the system of popular education here. The Sanitation Department has been systematically starved here and a large number of matured sanitary schemes which have been approved administratively have been pigeonholed on account of the economy that had to be observed under instructions from the Government of India since the war broke out.

Moreover, it is a fact that this Government has been the least progressive administration in India not only compared with the other larger provinces, but also with the Punjab and Burma, whose case seems to have called for special compassion from the Committee as will be seen from the standard of expenditure given below, and it will be necessary to make up the leeway in Bengal more than in other provinces.

	Bombay.	Madras.	United Provinces.	Bengal	Punjab.	Burma.
Population	196·26	414·05	471·82	454·83	199·74	121·15
Actual cost, 1917-18 ...	980·10	890·46	903·72	758·82	602·69	630·64
Revised estimate, 1918-19 ...	1,229·28	974·98	1,026·44	844·69	670·28	670·69
Budget estimate for 1919-20 ...	1,347·30	1,081·63	1,159·14	895·36	740·73	729·71

(The population is in lakhs and the expenditure in lakhs of rupees.)

Further we must consider that the estimate in the present Budget for the reorganization of the Indian and the Provincial Civil Services amounting to Rs. 10,53,000 as the result of the recommendations of the Public Services Commission are quite inadequate on account of the increase of pay sanctioned being higher than those estimated by the Public Services Commission. Provision will have to be made for the revision of the scale of salary for the Educational Services as the recommendations of the Public Services Commission. The question of the revision of pay of the whole of the ministerial staff of the province on account of the new conditions will have to be tackled without delay. This is specially urgent in Bengal where the cost of living is higher than in any other province. While we have all these expenditures and obligations in view, the Committee under the new adjustment has not provided for adequate or any expanding source of income. The report says that Bengal has a low scale of expenditure and an inelastic revenue and it will receive only a very moderate start in its new financial career, but for direct contribution towards India, it should pay more than any other province because of its size, intrinsic wealth and general possibilities. But jute is already taxed—once for the Government of India and secondly for the Calcutta Improvement Trust. Under the Village Self-Government Act you will have to levy a further tax on lands in rural areas in addition to the road cess which is levied in Bengal for the full amount of one anna in the rupee on the annual valuation in addition to land revenue. The Primary Education Act contemplated the levy of an education cess in case of necessity. So are rice and tea. You will have to fall back on some sort of indirect taxation, *e. g.*, enhanced duty on the sales or transfers of land, but that is a source of income which cannot be expected to yield much—at least not sufficient to meet the increased administrative needs, unless you attack some other sort of export or import or the income-tax which in the Report has been made Imperial.

Babu S. N. Ray.

Income-tax is made Imperial because in the case of ramifying enterprises with their business centre in some big city the province in which the tax is paid is not necessarily the province in which the income was earned. Mark first the argument. Not all enterprises but only ramifying enterprises, and even in the case of these it is only possible that it may not be wholly earned. What further justification can there be for making it wholly Imperial so that other provinces where the income-tax is not much important may not have much to pay towards the deficits of the Imperial Government? Very well, now let us examine the case of managing agents' companies. A man in the street may ask why should a firm of managing agents in Calcutta control coal mines in Bihar, tea plantations in Assam, and jute mills in Bengal without each concern having a separate head office in each place, and why from Calcutta and not from Allahabad or Madras? The answer is that the firm of managing agents is the brain of the whole organisation. The head office in Calcutta wires to the manager of a coalfield in the Hazaribagh district to send 500 trucks of coal weekly to certain jute mills on the Hooghly which they manage and 500 trucks weekly for steamers for which they are also agents and on which they ship the tea from the plantation they control in Assam. This is simply due to the efficiency of the organisation, and the real place of business is not where the coal is raised or tea leaf is plucked but in Calcutta where the sale is possible at the highest price with the minimum cost and trouble. It is to be remembered that Calcutta is the financial capital of India. So our point of view is this, that income-tax should be credited to the province where it is raised and that in all provinces. It will be said that this will increase the deficit of the Government of India, but if all provinces are made to contribute ratably there will be no deficit. The criterion in this new distribution should not be that no province should in any circumstance contribute towards the deficit of the Government of India, but that when everything is supposed to start from a new point of view every endeavour should be made to arrive at an equitable adjustment. The utmost that can be urged is that in case of ramifying enterprises some portion of the revenue derived from income-tax should be credited to other provinces where some factories may be situated. This, however, is a matter for a settlement between the particular province concerned as to the proportion in which the tax is to be shared and not a question as to why none of these should get anything and that the whole should be appropriated by the Government of India. Let me now examine the case of Customs. I propose that Customs should be made Provincial, but I see that some of my friends around me are not so sanguine as to its justification. Why? It is said that because Bombay and Calcutta are the main gates of import and export it is not reasonable that the taxes on import and export should be appropriated by Bombay and Bengal. I would answer, look to the coast lines from the border of Persia to that of Siam with innumerable harbours having more natural advantages than either of these ports; why should merchandise find its way mainly through these sources. Then, again, if the United Provinces with its rich soil watered by the Ganges and the Jamna and their innumerable canals get the full benefit to be derived from the produce of the soil, if the Punjab with its magnificent river system and the canals on which so much has been spent by the Government of India gets the benefit to be derived from these, I do not see any reason why Bengal and Bombay should not derive advantages from the situation of their ports. Even, however, if we give up these advantages for the benefit of others we are certainly entitled to the income that may in the strictest sense be said to be derived from the people of Bengal. Take the case of jute. Under the orders of the Government of India an export tax is laid on this produce of Bengal, yielding an income of about 2½ crores of rupees. No one can say that the tax on jute cannot be localised or that it is not purely paid by the people of Bengal. Take the case of tea and other exports on which a tax is levied. Certainly by the use of a specified kind of form the place of origin of these things that are exported can easily be ascertained and the tax localised.

Babu S. N. Ray.

We may now proceed to the case of imports. The existing statistics do not help us much as to how much of the imports into Calcutta or Bombay are sent by rail to other provinces. But I think it is not necessary to compile detailed statistics to show that proportionately to population Bengal pays a larger amount than any other province. The biggest item of tax is the duty on cloth, and everyone knows that imported cloth is mainly consumed in Bengal where the village weavers of ordinary cloth have largely disappeared. Then take the case of sugar. Imported sugar is not much consumed beyond Bengal. The next item is foreign liquors. I would not grudge any province which would claim that proportionately to its population the province consumes and therefore pays a large amount, but my impression is that even in this item, Bengal, which has a larger European population than any other province, pays a proportionately high amount. The next item is tobacco. Here also I would claim that this article is more consumed in Bengal than outside it. What I would specially ask for is this—that if for the present the whole of the Customs is not provincialised, at least the tax on jute which can be localised should be made over to Bengal, and that a special procedure should be prescribed for ascertaining the proportion of the imported or exported articles that are consumed or produced in the province where they are originally imported or from which they are exported, and when they are re-exported to other provinces for consumption or brought from other provinces, so that the value of the indirect contribution of each province towards the Government of India may be specifically and truly ascertained.

The Report of the Meston Committee is biassed and unfair so far as Bengal is concerned. The Report on Indian Constitutional Reforms and the Meston Committee Report both proceed on the assumption that as in Bengal the land is permanently settled Bengal has under no circumstances any right to complain. The Meston Committee states that the indirect contribution now paid and to be paid in future under the proposed award by Bengal towards the Government of India has been fully taken on to account, although the public and certainly we of Bengal would have liked to see the actual figures for which credit has been given to be published and checked. Admittedly, Bengal pays the highest amount in indirect taxation and yet the Committee thinks itself perfectly justified in fixing the contribution of direct taxation to be levied by the Government of India from Bengal at 19 *per cent.* of the deficit and from the United Provinces which have a larger population than Bengal, of which the President was the former Lieutenant-Governor, at 18 *per cent.* only. The Committee do not give any indication even of the principles, far from giving any figures, on which they have based their calculations, perhaps thinking that then it would not stand criticism for a minute. Too much is made in the Report as to the economy shown by certain provinces during the war, but as I have already pointed out in connection with the first resolution that so far as the total cost of administration is concerned Bengal proportionately to its population spends less than Bombay, Madras, the United Provinces, the Punjab or even Burma, and when we know how large a share of this goes to the police department, it is no wonder that Bengal will have to make a greater leeway in respect of sanitation and education, etc., than any other province under the Reform Scheme.

From the Budget figures of 1920 it would appear that out of a total revenue of Rs. 3,145·7 lakhs raised in Bengal, the province got only Rs. 729·81 lakhs. Madras got Rs. 865·5 lakhs out of Rs. 1,998·6 and the United Provinces Rs. 813·03 out of Rs. 1,376·7, and Bombay Rs. 1,038·2 lakhs out of Rs. 3,138 lakhs. The figures for Bengal and Bombay no doubt include the income from sale of opium and from the mint, respectively. If these two incomes be deducted we have for Bengal Rs. 2,750·75 lakhs and for Bombay 3,000 lakhs. We have then the fact that Bengal out of a total income of more than 27½ crores pays about 20 crores to the Imperial Govern-

ment, *i.e.*, about 8-11ths, Madras out of a total income of about 20 crores pays to the Imperial Government about 11½ crores, *i.e.*, about 11-20ths or a little more than a-half. Bombay out of an income of about 30 crores pays about 19½ crores to the Imperial Government, *i.e.*, 13/20ths, while the United Provinces of Agra and Oudh pays about 5⅔rd crores out of a total revenue of about 13¾ths crores, *i.e.*, ⅔ths or less than half. We have the fact that Bengal even now makes the largest contribution to the Government of India. The Committee practically admit that the indirect contribution from Bengal is very high and according to the population is certainly higher than that of the United Provinces or Madras. Yet the Committee propose that the final contribution from Bengal should be greater than any other province. The only possible permanent basis can be the percentage of population—each province paying the percentage of the deficit that the percentage of the population of that province bears to total population. But this percentage should be levied only when the initial distribution of revenue is just to every province without any taint of favouritism and when proper account is taken of the indirect contribution paid by each. The initial distribution so far as Bengal is concerned is inequitable. As regards indirect contribution, the Committee say that they have taken this into account. But they do not mention the amount to be credited to each province for this, nor do they publish any figure or adduce any principle by which this can be calculated, but on the other hand admit that no exact calculation can be made. Yet the Committee recommend that Bengal which pays the Government of India proportionately to its revenue and also absolutely the largest amount of indirect revenue should also pay directly a contribution larger than is warranted by the number of its population."

The Hon'ble Mr. Watson-Smyth said :—

"My Lord, as representing the Bengal Chamber of Commerce I have been told by the hon'ble mover that it is necessary for me to speak to his resolutions, and so I obediently do as he tells me, but perhaps not quite in the way that he expects. The whole subject is a highly technical one and very difficult for anyone to understand whose mind is not trained in the method of Government finance.

I have read Lord Meston's report very carefully, and I must admit that I find it more easy to understand than the speech of the hon'ble mover a copy of which he very kindly sent me in advance, so I had an opportunity of studying that too.

Lord Meston had a very difficult task, and he was exposed to adverse criticism because he was one of the financial advisers of those who were responsible for the Montagu-Chelmsford report as the hon'ble mover has been quick to point out.

In my humble opinion, however, he did his task extremely well in many ways. I do not quarrel with his method of arriving at the contribution of each province to the Government of India deficit. Let those percentages stand, I do not object to income-tax being taken by the central exchequer The arguments, in my opinion, in its favour far exceed those against it. I do however, object very strongly to the central Government taking all the customs duty. Here is an item which very readily divides itself into two separate heads, viz., import taxes and export taxes. Let import taxes be allotted by all means to the central Government, but surely export taxes are absolutely and entirely provincial. The export duty on jute, for instance, is paid entirely by Bengal, and should belong to Bengal. The suggestion, therefore, that I have to make on behalf of the Bengal Chamber of Commerce is this : make all export duties provincial ; this will of course very largely

increase the Government of India deficit. Apply the Meston Committee's percentages to the increased deficit ; this will mean a larger windfall (as Lord Meston put it) and a larger contribution to the central Government, but it gives us a tax which is purely a provincial tax capable of development and which should never have been allotted to the central Government at all.

There is one other thing which I have to say. The hon'ble mover calls attention to the fact that land is permanently settled in Bengal, and that both the report on Indian Reforms and the Meston Committee make use of this to tell Bengal that she has no right to complain. This is correct and the answer the Chamber give to the hon'ble mover is this : let the first act of the new Reformed Council be the introduction of a Bill to abolish the permanent settlement and then the finances of this province will become vastly more elastic."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I agree with the Hon'ble Mr. Watson-Smyth about his suggestion of dividing custom duty into two parts, viz., export and import duty. As regards export duty, although there are very many valuable commodities exported from India, export duties are levied principally from jute, in other parts of India, *e.g.* from Bombay, about 10 crores of rupees worth of raw cotton are exported, over 30 crores of rupees worth of wheat are exported from other parts of India, but not a single pice of export duty is levied from these commodities. Over 25 crores is the value of exports of seeds and copra exported and not a single pice is levied on that. It is not necessary to multiply instances, but of all the principal and more valuable commodities jute is the only commodity on which there is an export duty, and on that account Bengal paid during 1919-20 two crores and thirty-eight lakhs of rupees to the Imperial Government. The only other comparatively important commodity on which there is an export duty is rice, but the amount paid on this account is much smaller as compared with jute. However, if we ask the Government of India and the Joint Committee to provincialise all export duties, we shall be on safe ground as also on just grounds. It will be quite open to Bombay to levy an export duty on her cotton, but at present she levies none. It will be quite open for the other provinces to levy other export duties. The deficit of the central Government will not be very large, and whatever the deficit may be, as my honourable friend Mr. Watson-Smyth has pointed out, it can be adjusted by a larger contribution, and the larger contribution will at the same time be a more just contribution, because the other provinces have got a windfall. Madras suddenly finds herself richer by over two crores. The United Provinces has got a similar windfall ; and if we are to ask them to contribute a little more, it would not be either unfair or unjust.

About income-tax, I agree generally with the hon'ble mover. In the first place we must remember that in ordinary income-tax, super-tax and excess profits tax Bengal contributed handsomely last year. It was somewhere near eleven crores of rupees, and it is ten times the contribution of Madras, and out of this about 80 *per cent.* was levied from our local mills, industries, etc.

So that the specious arguments used in the Montagu-Chelmsford report and repeated in the Meston Committee's report, fall to the ground. As regards the question of the income being earned in other places, it is as has been pointed out by the hon'ble mover, where the head office of the business is, there the capital is found, and the earning takes place. Merely raising coal in Bihar does not necessarily mean that the business is worked at a profit in Bihar because the question of profit can only arise after the same

is earned. This was also pointed out to Lord Meston. It was also pointe out to him that in England, it has always been held that where the heac quarters lie, there the income-tax is payable.

There is one point in Mr. Watson-Smyth's speech which I cannot pas unchallenged. He said that one of the first acts of the Reformed Counci shall be to do away with the permanent settlement. I have no doubt that i my hon'ble friend and the members of the Chamber of Commerce woul discuss the matter with us sitting round a table, they will be the first t agree that if the permanent settlement goes, then their business will go too What is the position in Bengal? In Bengal the total land revenue is 1 crores and 49 lakhs of rupees—for these figures I refer my friend to th Land-revenue Administration report—out of which two crores and seventy six lakhs of rupees are paid as Land Revenue, leaving about nine crores o rupees to be divided between 30 lakhs of persons of the land-holding class, so that the average income of a landlord does not exceed Rs. 30 a year, an if you take into account big incomes like that of my hon'ble friend th Maharajadhiraja Bahadur of Burdwan and other territorial magnates, then the average comes to perhaps 20 rupees a month. Since 1793, when th permanent settlement was first introduced most of the original zamindar with whom such settlement was effected have sold their properties to other who paid for the same. Is it proposed to confiscate their rights without paying for their properties? I trust the Hon'ble Member for the Chamber of Commerce does not propose this. If so, how is the State to gain and in what way is the permanent settlement to be done away with? Since 1793 a large number of middle men have been created. If you disturbed th permanent settlement ten years after it was created, the question would have been different. If you attempt to disturb it now you will convulse society in Bengal in a staggering manner. As I have already pointed out the average income of a landlord in Bengal is 20 or 30 rupees a year. The result of unsettling the permanent settlement will be to take away the rights of these poorer middle classes and, what is worse, the raiyats as a class will be undone. The total rent-roll of raiyats, as I have already pointed out, is about 12 crores and 49 lakhs. If you do away with the permanent settlement, then the total rent-roll will not be less than 50 crores, or in other words, the raiyats of Bengal, the poorest of the poor, will have to pay about 30 crores more. There will be far less free circulation of money with the result that trade, commerce and industries will be paralysed. There is another point which I would ask my hon'ble friend to consider. Perhaps he thinks by getting rid of the permanent settlement he will be taxing the rich only. Paradoxical though it may seem, the zamindars of Western Bengal will gain much, at any rate, on paper. If the zamindari system of temporary settled estates of the United Provinces and Orissa be introduced, then 35 *per cent.* of the profits will be left to the zamindars. I have in mind a big estate in Bengal the gross rent-roll of which at present moment is about 63 or 64 lakhs and the revenue about 52 lakhs. If that estate be settled temporarily, then the gross rent-roll will perhaps be nearly 2 crores of rupees and the income on paper will perhaps be over 60 lakhs of rupees, but one can easily realise how difficult it will be to collect 2 crores where at the present moment less than half that amount is collected with so much difficulty. It is commonly believed that unsettling the permanent settlement will mean prosperity to Bengal but I say emphatically that it will mean nothing but ruin to Bengal. I hope and trust that before an influential body like the Chamber of Commerce takes upon himself to form an opinion upon a question of such importance as this it will go into the matter properly; at any rate it should consider how unsettling the permanent settlement would affect their interest. I would ask them to take into consideration the figures for Bengal, Bihar and Orissa, the United Provinces and Madras, the figures as to

population and area, the figures as to trade and commerce, the figures as to income-tax and the figures as to export duty. If they really probe into the matter they will find that the interests of those who represent the Chamber of Commerce will be quite as much affected as the interests of the zamindars, tenure-holders and the raiyats of Bengal."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, there is one most important point which I wish to press, and that is, that there should be no indirect contribution. Whatever contribution is to be made, let it be made under one general head. My idea is whatever revenue depends upon the general prosperity of the people should be considered as local revenue, and if the central Government takes a portion of it, let it be taken in a direct way. Income-tax and customs duty are two sources of revenue which can be expanded, and if these two sources are taken away there would remain nothing for us.

The suggestion that the permanent settlement should be done away with does not appeal to me. It would do no good to the country. It is a debatable point. All along the cry has been that wherever there is no permanent settlement it should be introduced there. Now it is an admitted fact that Bengal peasants are more prosperous than those of other provinces where there is no permanent settlement.

If the proposition is accepted that these also should be considered as direct contribution, then it will be found that the burden on Bengal is far more heavy than on any other province. All these things ought to be considered.

With these words, I support the resolutions."

The Hon'ble Sir Henry Wheeler said:—

My Lord the four resolutions which are before the Council are somewhat lengthy in form, but the purport of them can be summed up in a sentence, namely that the province, as represented by the Legislative Council, is not satisfied with the award of the Meston Committee.

Your Excellency has already explained that we propose to treat the debate as an opportunity for non-official opinion to express itself and I do not therefore propose to argue the official case for the province in detail. In the first place, it is unnecessary for me to do so, since so far as the Government of India and the Joint Committee are concerned our representation on the subject is already in their hands. A month ago we forwarded an expression of our opinion on the Meston Report to the Government of India, and no doubt that has already gone home and in fulness of time will be published along, I am afraid, with similar letters of protest from other provinces. It was remarked to me at the time by one of the members of the Meston Committee that he had already discovered that they were concerned not so much with an enquiry into the facts, as with the settlement of a provincial dog fight. I am afraid there is a certain amount of truth in that and that no province will be satisfied. However, we have lodged an expression of our views.

Secondly, it is not easy for me to argue the official case in detail since it is etiquette that correspondence between the provincial Government and the Government of India and the Secretary of State should not be made public while it is in progress, especially, as occasionally happens, when we do not happen to see eye to eye with those above us, and it would be a breach of that etiquette for me to reproduce in a speech the purport of the arguments that we adduced in our letter.

Sir Henry Wheeler; Babu S. N. Ray; the President.

But in fairness to ourselves and I think, in justice to the Legislativ Council, we are entitled to say so much; that we are in sympathy with th resolution in so far as it means what I have already said, that, as a provinc we are not satisfied with the award of the Committee, which is the view w expressed to the Government of India. To the general lines of our contentio I referred briefly at the end of the budget debate, namely, that it is not fa to judge the contributions of the different provinces to the Central Gover ment solely on heads which are provincial under the Reform Scheme finance; but that, in order to arrive at a fair distribution, regard should had to all the monies taken from each province by the Imperial Governmen more particularly under the heads of income-tax and customs, includin export duties. Following on that, that if regard is paid to all the monies s taken, Bengal's and Bombay's contributions to the Government of India a far in excess of those from any other province, and therefore, it cannot fair to assess the ultimate contribution of Bengal higher than that of an other province. That, in brief, is our argument, and it will be seen that resembles very closely that adopted by the Hon'ble Member.

Two minor points arise on the actual wording of the resolutions. will be seen that they recommend telegraphing the purport of the speech to the Government of India, and, further, direct communication with th Joint Committee We cannot, of course, communicate direct with th Joint Committee, and it will probably delay rather than expedite matters t send a too lengthy telegram of the debate, but we will at once communicat to the Government of India, the purport of to-day's discussion, and to th extent that it coincides with the views that we, as a local Government, hav already expressed ourselves, we welcome the fact that we find the non-offici members of this Council in accord with us."

The Hon'ble Babu Surendra Nath Ray said:—

"My Lord, as regards the last portion of the Hon'ble Sir Henry Wheeler speech, I have only one observation to make. Your Excellency is aware th a few days ago a notice appeared in the papers that the Joint Committe would shortly finish their deliberations. So if we are now to communicate t them through the Government of India, it would take a very long time. telegram may be sent to the Joint Committee and the Secretary of Stat informing them that we are going to send this through the Government India also. That may be one of the ways in which this question may b solved. Otherwise it might take a very long time for us to communicate t the Government of India and then by them to the Secretary of State and th Joint Committee. In that case it were useless to have this discussion at all.

Then with reference to the subject matter of the resolution I may sa that I have consulted some of my friends here, and they are unanimously opinion that we ought to have the income-tax too, and I agree with then This is all I have got to say."

The President said:—

"I think I can relieve the anxiety of the hon'ble member with regard t the method of procedure which we intend to follow for making the wishes the non-official members known to the Joint Committee. The Government India have already been informed that the non-official members of th Council desire that the expression of their opinion should reach the Joi Committee, and the Government of India have asked us to telegraph th result of to-day's discussion as soon as the debate is over. So the hon'bl Member may rest assured that the information will reach the Joi Committee immediately."

The resolutions were then put and agreed to.

Babu A. C. Datta.

LIST OF BUSINESS—ITEM No. 17.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution :—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such steps be taken as may be necessary to drop the proposal of allotting to the General European Constituency in the Reformed Bengal Legislative Council four more seats than were originally proposed by the Franchise Committee.

He said :—

"My Lord, it is, of course, well known that these four seats are in addition to the 12 seats allotted to the European commerce. As regards the representation of the European commerce, the Southborough Committee observed as follows—I read from page 11—'It will be noted that the amount of representation given to European commerce in Bengal is larger than in other provinces; this step we hold to be justified by the importance of European commerce in that province.' This is rather important in connection with the representation given to the general European constituencies. Admittedly the representation given to commerce is excessive as compared with the other provinces. Originally, my Lord, your Excellency's Government proposed four members for the European constituency. The Franchise Committee, however, recommended two—one to Calcutta and the other to the rest of the Presidency. Even those two seats being somewhat disproportionate to the number of Europeans, it appears to me that the Southborough Committee offered something like an apology which will be found on page 11 of the report of the Franchise Committee. We find this on page 8 :—'As regards Europeans our action needs but little justification beyond an appeal both to history and existing facts. We shall subsequently deal with the representation of European commerce and industry, but in addition we feel that the European community as such is entitled to separate representation. There are many interests, such as those of professional men, government and private employees, educationists, missionaries and the like, which would not be adequately represented by members selected primarily on behalf of the capital concerned in commercial and industrial activities.' This is a reason which we find ourselves unable to accept. The 12 gentlemen who represent the European commerce are certainly able to represent the professional European men, Government and private employees and so on. That was the recommendation of the Franchise Committee. Then we have to see what was the attitude of the Joint Select Committee. All that we find about the European representation is on page 7. This is what they say—'The Government of India will be instructed to consult the Government of Bengal in respect of the representation of Europeans in Bengal. It appears to the Committee that there is a good deal for readjustment of that representation.' Now as a result of that recommendation, in place of two seats they have now been given six seats: four additional seats have been given, that is, three times the number originally given by the Franchise Committee. What is the result, my Lord, of this addition? There are altogether about 18,920 Europeans in this Presidency. Roughly speaking, the result is almost one member for every thousand. It would be interesting to know what should be the total strength of this Council if representation was given to the other communities at this rate? A little arithmetical working shows that in that case the Brahmins ought to get over 1,000 members, the non-Brahmins more than 9,000 members and the depressed classes about 10,000 members. In other words, the Hindus ought to get 20,000 and the Muhammadans about 25,000, bringing the total to 45,000.

Now, my Lord, this is certainly very excessive and disproportionate the number of Europeans in this country. Of course taken by itself there no harm if they are given more seats but some proportion must be maintain between the Europeans and other communities. What makes me objec the excessive representation of the European is this. The excessi representation of the Europeans is not quite compatible with the sche which is intended to lead us eventually to responsible Government, and it prejudicial to the popular interests. My Lord, this excessive representati has been taken exception to by all the representative institutions of t country, including even the Indian Association. I make special mention the Indian Association not because that that body is entitled to great weight than other bodies, but because the Indian Association are a body people who, it is well known, are satisfied with the reforms: they are opinion that the reforms are adequate and satisfactory. Therefore when th complain it ought to be taken that there is some substance in that complan This is the resolution that was passed by the Indian Association :—

'The Association records its emphatic protest against the recommend tion of Government to allot four additional seats to the Europeans in Beng whose representation as proposed by the Southborough Committee was alrea excessive and quite out of proportion to their numbers and their gene interests in the country. In the opinion of the Association over-represent tion of the European community is incompatible with the scheme which intended to lead to responsible Government and is strongly calculated jeopardise the success of the reforms in this province.'

Therefore, my Lord, we request that the proposal of allotting four mo seats ought to be dropped."

The Hon'ble Mr. Watson-Smyth said:—

"I cannot congratulate the hon'ble mover on his first resolution whi in common with the second and third, is anti-European and highly provoca tive. However, we Europeans can, I am afraid, expect nothing else from t hon'ble mover. I should be the last to deny anyone the right to his ov honest opinions. I can quite believe that it would be highly distasteful the hon'ble mover to see so many Europeans in the Reformed Council— fact I have no doubt that a Council consisting of any one besides the hon'l mover would be considered by him to be over-stocked. But he mu have some reason for moving so many and such highly contentious resolutio at a time when we all thought that discussion was in abeyance pending t decision of the Joint Committee at Home. The subjects have all been ful discussed and the recommendations, both of this Government and the Go ernment of India, formulated, and it is left to the Joint Committee of Parli ment to issue final orders.

No doubt he has one very special reason for his action and it is not f to seek. Politicians of the views of the hon'ble mover have got a roug path before them. The simple means of entry into this Council will not app to the Reformed Council where they will have to woo a very large cons tuency, and probably face opposition to an extent unknown in any of the previous elections. They must, therefore, be first in the field with a popul cry and a popular platform. Nowadays any stick is good enough to be the European community with, and with a certain class of politician the mo they do this the greater is their claim to patriotism. Therefore, no doubt, tl hon'ble mover hopes that 'Down with the European' will be a popular wa cry and an anti-British policy—a popular plank in his platform. It therefore for the benefit of the voters of some remote constituency in whi the hon'ble mover hopes to be a successful candidate that we are forced listen to these resolutions to-day.

Mr. Watson-Smyth; Babu K. M. Chaudhuri.

To the hon'ble mover I will not waste time in addressing any arguments, as I know he will not listen to me. I will content myself with saying this. We Europeans are a peace-loving and long-suffering race. We ask nothing better than to live on terms of political friendship with our Indian compatriots, but let not the hon'ble mover be misled by our complaisancy. If he makes the mistake of smiting us on one cheek, then I can assure him that no matter what our religion may teach us, we shall not turn the other cheek to him, but on the contrary shall hit him back.

Do not let it be thought, however, that I in any way question the sincerity or honesty of his convictions. I am quite prepared to believe that the idea of having to sit with so many Europeans in the new Council is really distasteful to him, and I will, with all humility, suggest a remedy which might suit both him and us. I suggest that he place himself at the feet of the Mahatma Gandhi and imbibe from him the elements of non-co-operation. This will entail his withdrawal from this Council and the abandonment of any idea of sitting in the next. In doing this he will gain peace for his soul and earn the eternal gratitude of us, his colleagues.

But the hon'ble mover cannot pass this resolution without the vote of members of this Council, who hold more moderate views and they will, I feel sure, be willing to listen to argument and be guided by what they think right. Whether these few extra seats will be granted us, I do not know, but if they are, then we shall not be in any better position than we are to-day. The principle which I ask you to accept is the same principle which was accepted by this Council in 1918, namely, that whatever percentage of the present Council is allotted to European non-official members, the same percentage shall be given us in the Reformed Council. Now, the figure arrived at by the Franchise Committee was based on the assumption that the Reformed Council would consist of a certain number of members. This basis has, however, been changed; extra seats have been added here and there, all at the request of you hon'ble gentlemen and those whom you represent, until the proposed number of the new Council far exceeds the number on which the Franchise Committee based their recommendation.

We are only asking for our numbers to be proportionately raised, to maintain our percentage. Surely there is nothing grasping in this. Surely there is nothing in this that a really fair-minded member of this Council can find fault with and so I appeal to my Moderate friends to give us fair play in this matter. I ask them to judge this question entirely on its merits and not to sacrifice all chances of our working together, to the fear of losing a few votes at the coming elections. If this resolution is passed, it will certainly dishearten those who hope that the Moderates and Europeans will work in harmony together and it will tend to drive us into perpetual opposition.

And after all you are not deciding this question. The number of our seats will depend on the decision of the Joint Committee at Home, on which Committee you Indian gentlemen have many good friends. Let them therefore decide on the material before them and do not try and prejudice our case by allowing this resolution to be cabled Home as representing the opinion of this Council. I feel convinced that many of my Indian friends will play the game towards us, and vote against this resolution."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, originally I had no mind to say anything on this resolution, but I see that really something has been done for the European community far in excess of the recommendation of the Joint Committee. There was a suggestion by the Joint Committee that there should be a readjustment and upon that four additional seats have been allotted to them, but to increase it from 2 to 6 seems rather disproportionate.

Babu K. M. Chaudhuri; Dr. Suhrawardy; Babu A. C. Datta; Mr. Leslie

I cannot understand why my hon'ble friend Mr. Watson-Smyth has us the threat that if anything is said against it then all hope for co-operati between the two parties will be gone. I cannot understand why such thi should be said: similar things might be said by others. A zamindar mig likewise come forward and say that if their party is not properly represent then all hope of co-operation will be gone. I am not convinced of the reas ableness of the arguments put forward by my hon'ble friend Mr. Wats Smyth. I rather agree with my hon'ble friend Babu Akhil Chandra Da that there should not be so many additions.

With these few words I support the resolution of my hon'ble friend."

The Hon'ble Dr. Abdulla-al-Mamun Suhrawardy said :—

"My Lord, the resolution moved by my hon'ble friend to the right is t first of a number of resolutions which deal with the allotment of seats the Reformed Council to various communities. There are about 14 su resolutions, but they resolve themselves into a demand for an increase Hindu seats and a demand for the reduction of non-Hindu seats. Whils sympathise with my friend in his demand for an additional seat for t district from which he comes, the division he represents, and the commun to which he belongs, I am afraid I cannot support him in his demand for t reduction of European, Anglo-Indian or Muhammadan seats. I say 'Muha madan seats' because I find that his resolution No. 23 is directed against t Muhammadans."

The Hon'ble Babu Akhil Chandra Datta said :—

"My resolution does not aim at reducing the Muhammadan seats."

The Hon'ble Dr. Abdulla-al-Mamun Suhrawardy (continuing) said :—

"But that is what I understand from my reading of it. The hon'l member has not advanced any argument worth the name in support of contention that the number of European seats should be reduced. T increase of European seats by 4, if I am not mistaken, is the result of t increase of the total strength of the Council. The proportion of seats allott to the various communities remains undisturbed. If my hon'ble frie argues that the number of European seats ought to be reduced because t Europeans are numerically small, I should like to know why the number Hindu seats should be in excess of their numerical strength.

I am afraid that the spirit in which my hon'ble friend has approached t question of allotment of seats to various communities is not calculated make for Hindu-Moslem unity or Indo-European co-operation which essential for the successful working of the new Council.

With these words, my Lord, I beg to oppose the resolution."

The Hon'ble Mr. Leslie said :—

"My Lord, I rise to oppose this resolution. It seems to me a great p that the hon'ble mover has drawn this racial red herring across the tr I take it that we are all here not to exercise racial feeling, not to denou each other, but to do what we can for the better government of the count The hon'ble member has not made one single suggestion throughout speech to show that by cutting down the number of seats given to t European community India will be better governed or Bengal will have better Council. My Lord, I hold no brief for any community, the only br I hold is for the better government of Bengal. I take it that the Europe

members will represent not only the European interests which includes capital sunk in this country—I have no desire to flog a dead horse—but, my Lord, I maintain that the European members will represent hundreds of thousands of Indians who are employed in jute mills and other industrial concerns. It is the managing agents, the mill managers and people of that class who are the *ma bap* of the employees of these mills and the proper representatives of these dumb millions (if I may use a phrase which is much hackneyed in this Council) will be the European members. My Lord, in this connection I would like to refer to a remark in the Hon'ble Babu Surendra Nath Ray's speech, which he read to us before we went to lunch. He said 'why should a firm of managing agents in Calcutta control coal mines in Bihar, tea plantations in Assam, and jute mills in Bengal, without each concern having a separate head office?' The answer is that the firm of managing agents is the brain of the whole organisation. My Lord, I adopt that answer 'it is still true that those who think must govern those who toil.'

I oppose this resolution.'

The Hon'ble Sir Henry Wheeler said :—

My Lord, this is the first of a series of resolutions dealings with the composition of the future Council and the electoral franchise. Since it has already been decided, as in the case of the resolutions on the recommendations of the Financial Relations Committee, that only non official opinion should be expressed on these resolutions, I intend only to explain in a few words the reason of the recommendations made by the local Government in each particular instance. But, before doing so, I would like to make two general remarks which are applicable to all these resolutions. In the first place, the matter does not rest with this Council or with the local Government, the rules will be made by the Governor General in Council, with the sanction of the Secretary of State, and practically, under the procedure adopted, they will be made, as Mr. Watson-Smyth has remarked, with the concurrence and approval of the Joint Committee. Secondly we are not writing upon a clean slate. As the Council is aware, when the composition of the new Councils was first taken up in detail, the method adopted was the appointment of a committee under Lord Southborough. To that committee the local Government made proposals, and Lord Southborough's Committee considered them; they, in their turn, made recommendations to the Government of India, who examined them and sent them on to the Secretary of State and the Joint Committee. The latter finally gave certain specific directions as to the modifications of which they approved. Where no specific direction was given by the Joint Committee, it has always been concluded, and concluded rightly, that the issue was a closed one, that is to say, that the Joint Committee accepted the recommendations of the Southborough Committee. We can now therefore only work within the limits of what has been accepted or of what has been ordered to be changed, and we have not a free discretion to reconstruct the whole Council, even if we wished to do so. This is particularly applicable to those resolutions, which will come later, recommending the reopening of certain questions which have already been decided.

Referring to this particular resolution the justification of the original proposals of the local Government will be found in the unanimous resolution passed by a non-official committee of this Council in November 1918, when they considered, as a whole, the future constitution of the Council. That resolution, proposed by Mr. Hely Hutchinson, was to the effect that adequate representation on the proposed Bengal Legislative Council should be granted to European non-officials, such representation to be sufficient to safeguard European interests, and to correspond with any increase in the

number of elected members. The Committee unanimously agreed to that proposal. That is the record of the proceedings, and on that record we framed our proposals, and it is far easier to judge of the merits of this question, if, also as the Hon. Mr. Watson-Smyth has pointed out, we concentrate on percentages and not on numbers, because the total number of elected seats in the Council has varied from time to time. The original proposal of the local Government was for 86 members; the Southborough Committee recommended 100, and the last proposals of the local Government were for 118. Therefore by merely looking at the number of European seats, misleading conclusions are apt to be drawn. The Council should look to the proportion of the European seats to the total elected membership of the Council. The existing proportion of European seats is 17·8 per cent., and we have worked throughout on the theory that that proportion should be maintained. Hence our original suggestion for 17 European seats out of 86 elected members. The Southborough Committee, while increasing the elected number of seats to 100, reduced the number of European seats to 15. They gave no reason for so doing, and when we came to examine their conclusions, we adhered to our previous recommendation, which, as I have said, rests on the resolution of a committee of this Council. The total number of elected members having risen to 118, the number of European and Anglo-Indian seats—because these reasons apply both to Europeans and to Anglo-Indians—has been increased in proportion. That is the explanation of the addition of 4 seats which appears to have alarmed the Hon'ble Member, it is merely the maintenance of the proportion which we have advocated throughout, and which at one time was accepted by this Council.

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I am perfectly aware of the difficulties suggested by the Hon'ble Sir Henry Wheeler because we are at a very late stage now. I can only say this in justification that this is the earliest occasion upon which we could possibly meet so far as this Council is concerned, after the publication of the rules, etc. My Lord, referring to the argument, which certainly has some force, that the number was originally smaller and therefore the number of seats allotted to Europeans was smaller, I can say that that explanation certainly goes to a certain length, but does not go far enough, because when the number was 86, your Excellency's Government proposed two members for the European seats. Now certainly, the increase from 2 to 6 is not proportionate to the increase from 86 to 142.

Then, my Lord, I really do not know what to say in reply to the observations of the first speaker. At one stage he said distinctly that he was not prepared to adduce any arguments, but your Excellency has heard how the greater portion of his speech was nothing but a personal attack without referring to the arguments, either good, bad or indifferent. He said, it is very easy to cry down English people, and so on ; I say it is easier still to take up a position like that and poison the minds of all people by saying, 'Well, here's a man who wants to down the English people' ; it is very easy to rouse passion in the minds of people in that way. Who knows who might not be led away by that sort of appeal? In any case, he seems to think that I am a solitary man who holds this sort of view, and the whole country does not share this view with me ; it is further suggested that it is only Extremists who hold such views. I am only sorry that my hon'ble friend overlooks facts and stern realities. He forgets there is not one representative association or one representative Indian in this country who has not spoken against this excessive European representation, be he a Moderate or be he an Extremist. I say this without fear of contradiction. I say even the Indian Association, the most moderate of Associations, condemned this in the strongest possible language, so my friend must be labouring

Babu A. C. Datta.

under a misconception if he thinks it is the opinion of so-and-so only. He appeals to his Moderate friends. But may I ask him where are those Moderate friends of his to whom he was making this appeal? Does one Moderate support this view? Why does he not care to see things as they actually stand? To live in such ignorance over the actual state of things may be living in a paradise, but that is a paradise which is always shunned by all wise men. He appeals to Moderates, and thinks that they will co-operate with him, but may I ask him what happened in this very Council Chamber only at the last session of the Council, on the 12th and 13th of April last, when the Calcutta Rent Bill was passed? He stretched out his hands to them; were they grasped by the Moderates, did they support him? It was myself and those other people who shared the same political opinions with me that supported him. He stretched his hands to the Moderates, they were not taken or accepted. It will not do in this Council if as a representative of either Europeans or Indians, if you want to do good, that is not the attitude that you ought to adopt; argue and reason and not simply villify.

Mr. Smyth speaks of co-operation. I say this is raising quite a false issue. If we wanted to boycott the Reformed Council then and then only this controversy of co-operation *versus* non-co-operation would and could have some significance. But everybody knows—Mr. Smyth ought to know—that all classes of people in this country have decided once and for all to work out the Reforms for what they are worth and to make most of them. Once we are in the Council we shall certainly co-operate with the Government whenever they propose something for the good of the country. At the same time we shall certainly withhold our co-operation whenever they propose anything prejudicial to the popular interests. We are not perverse people and shall not adopt the suicidal course of opposing the Government just for the sake of opposition even when they initiated beneficial measures of education, sanitation and other improvements. Mr. Smyth read out his written notes in such a low voice that I could not catch his words. I enquired of my colleagues on my right and on my left. They said they also could not follow his speech. All that we were able to gather from the isolated words we could catch is that Mr. Smyth has indulged in personal vilification. I shall not stoop so low as to return abuse for abuse. I won't use any unparliamentary or undignified expression even in self-defence. I shall only tell him that this should not be the attitude of one who preaches co-operation in season and out of season. I am absolutely certain that Mr. Smyth and the European community at large will hereafter regret the speech he has made to-day and will be ashamed of the bad taste which his speech has betrayed."

A division was then taken with the following result :—

Ayes 9.	*Noes 10.*
The Hon'ble Mr. Provash Chunder Mitter, C.I.E.	The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Babu Brojendra Kishor Ray Chaudhuri.	" " Mr. C. D. M. Hindley.
	" " Mr. F. M. Leslie.
" " Mr. Arun Chandra Singha.	" " Mr. M. Cathcart.
" " Rai Debender Chunder Ghose Bahadur.	" " Mr. R. M. Watson-Smyth.
	" " Mr. A. D. Pickford.
" " Rai Sri Nath Ray Bahadur.	" " Mr. W. H. Phelps.
" " Babu Akhil Chandra Datta.	" " Mr. W. L. Travers.
" " Rai Mahendra Chandra Mittra Bahadur.	" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Babu Kishori Mohan Chaudhuri.	" " Khan Sahib Aman Ali.
" " Babu Sarat Chandra Chakrabarty.	

Babu A. C. Datta.

The following members abstained from voting :—

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M, Maharajadhiraja Bahadur of Burdwan.
" " Sir Charles Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. F. J. Monahan.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. J. R. Blackwood.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. A. Marr.
" " Mr. W. W. Hornell, C.I.E.
" " Mr. J. Donald, C.I.E.
" " Khan Bahadur Maulvi Aminul Islam.

The following members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.
" " Sir Nilratan Sarkar, Kt.
" " Mr. Aminur Rahman.
" " Raja Hrishikesh Laha, C.I.E.
" " Babu Siv Narayan Mukharji.
" " Kumar Shib Shekhareswar Ray.
" " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" " Rai Radha Charan Pal Bahadur.
" " Mr. G. A. Bayley.
" " Maulvi Abul Kasem.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Maulvi A. K. Fazl-ul-Haq.
" " Babu Bhabendra Chandra Ray.
" " Mr. Altaf Ali.
" " Babu Surendra Nath Ray.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.

The Ayes being 9 and the Noes 10 the motion was lost.

LIST OF BUSINESS—ITEM No. 18.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution :—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such steps be taken as may be necessary to drop the proposal of allotting to the Anglo-Indian Community in the Reformed Bengal Legislative Council two more seats than were originally proposed by the Franchise Committee.

He said :—

"My Lord, it would not be justifiable to give the Anglo-Indians more than two seats. That was the view of your Excellency's Government. The Franchise Committee did not accept that recommendation. They were for giving one seat to the Anglo-Indians. The representation of the Anglo-Indian community presented a question of very great difficulty, and as it was desirable to afford them an opportunity for political education it was thought

that it could not be done except through communal election. This recommendation of the Southborough Committee was accepted by the Joint Select Committee, that is, they also proposed to give one seat to the Anglo-Indians. There was no further recommendation of the Joint Committee in their report to increase the representation of the Anglo-Indians. But as their report has been sent back for the consideration of the Local Government, they have increased the number from one to three. It has been observed, my Lord, that this was beyond the scope of reference. But I would not press that point—it is only a technical objection. The whole question is whether as a matter of adjustment of proportion they are entitled to have the number raised from one to three. The feeling on the subject is that this increase is not warranted either by their number or by their wealth or education or otherwise by their general status in society. Their total number in this Presidency is 18,902, so that one member has been given to every 6,000. Of course, as regards Europeans there is this argument that they are more educated, more wealthy and influential people. I do not know whether the same view can be taken of the Anglo-Indians. Certainly the Europeans are mostly commercial people, they have got a stake in the country. There is not the least doubt about that; I do not know if the same thing can be said about the Anglo-Indians. Now, my Lord, if other communities will have their representation raised like this, then we should have 3,350 Hindu members and 4,000 Muhammadan members, or to look at it from another standpoint, while one member has been given to each 6,000 Anglo-Indians, one member has been given to each 6 lakhs of Muhammadans. I do not know whether my hon'ble friend Dr. Suhrawardy would like the Anglo-Indian representation to be 100 times more than the Muhammadans. Now, if we are to prepare a comparative statement about the extent of representation, then that statement would be something like this: As regards Europeans, one seat for each thousand; Anglo-Indians, one seat for each six thousand; Indian Christians, one seat for 80,000; Hindus, one seat for 4½ lakhs, and Muhammadans, one seat for 6 lakhs; and depressed classes, one seat for one crore.

So far as this representation is concerned, one European is equal to 6 Anglo-Indians, 400 Hindus, 600 Musalmans, and 10,000 depressed classes; one Anglo-Indian is equal to 75 Hindus and 100 Muhammadans. These are facts that make it absolutely clear that they are not entitled to have their seats raised from one to three."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, without taking much time I think I agree with my hon'ble friend the Hon'ble Babu Akhil Chandra Datta, that there was no justification for raising the number of seats for Anglo-Indians. I think the objection is very reasonable, and I hope the matter will be fairly decided by the Joint Committee."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, the argument in this case is exactly the same as that in connection with the previous resolution, although by splitting the matter up, the point becomes somewhat obscure. I have endeavoured to explain to the Council how, consistently with the extension of the Council, the Anglo-Indian and European representation had to be raised, if it was to be maintained in the new Council in the same proportion as it is in the present Council. It thus happened as a consequence of the increase in the total number of the elected seats, that we had to raise the number of European and Anglo-Indian members from 17 to 21; that is to say, we had to provide 4 more seats. After discussing the distribution of these 4 seats with the representatives of the

two communities, we decided to allot one more seat to the Anglo-Indians, wh is the reason why their number has been increased from 2 to 3. Therefore t argument is precisely the same as in the case of the previous resolution.

The Hon'ble Babu Akhil Chandra Datta wants to take away two se out of the three recommended by us for the Anglo-Indian community, but would not meet him in any sense to transfer these additional Anglo-Indi seats to the Europeans. What he wants is to knock them off both."

The Hon'ble Mr. Leslie said:—

"My Lord, I rise once more in opposition to the hon'ble mover of t resolution. My friend makes it very difficult for me to understand h I do not know whether it is due to the heat of the room or the lateness of t day, but I certainly cannot follow him in his argument when he says tha wishes to support proportionate representation and then proceeds to destro by *reductio ad absurdum* for he shows that proportionate representation mea a Council of about 45,000 members. I do not think that the hon'ble memb knows what he is talking about when he speaks about Anglo-Indian rep sentation in this Council. My Lord, the history of the Anglo-Indian Eurasian community has been very much before us of late, but I should l to point out to every member here that the definition of 'Anglo-Indian' the purpose of the electorate of this Council includes not only those of mix race but pure Europeans who choose to make homes in this country and adopt an Indian domicile. That is the new definition of 'Anglo-Indian' the purposes of the Reformed Council, and that being so, it does not lie in mouth of my hon'ble friend to talk about Anglo-Indians without know whom he is speaking about. My friend has said that the proportion has to be adjusted. Does he really think, as I said before, that this Coun has got to be increased, to consist of 45,000 members, because that will adjustment according to proportion? He has then said that the number wealthy and educated Anglo-Indians is 18,920 in this province. Aga I point out to him that he is dealing with the old definition of Anglo-Indi as one of mixed descent and not with the definition for the purposes of t Council. My Lord, it may be quite true that the Anglo-Indians have not be heard of in matters political up to now, they have in the past adopted attitude of quiet loyalty to the throne; they have done their work a have said nothing about it; they have now become a political entity in t country and no speech such as that of my hon'ble friend will keep them dow It has been said and it has not been contradicted that the backbone of t army is the non-commissioned man. I speak, my Lord, on behalf of t non-commissioned men of that great army which helps to govern India an army which includes Europeans, Anglo-Indians and Indians, officials a non-officials. On their behalf I oppose this resolution."

The Hon'ble Dr. Abdulla-al-Mamun Suhrawardy said:—

"My Lord, I rise to associate myself with what has fallen from r hon'ble friend Mr. Leslie. I have nothing more to add to what he h already said. But I have to ask a simple question of my hon'ble frie Babu Akhil Chandra Datta. Am I right in thinking that Hindu represent tion is more than the Moslem representation in the Reformed Council despi the latter's numerical superiority? If so, what are the reasons for the exce of Hindu representation over Moslems? The answer to this question is t answer to his criticism about the weight of numbers. Number is not the s factor in determining the amount of representation of a community. I am n in favour of introducing racial questions in this Council, but I should like be clear on this point. With these few words I beg to oppose this resolution

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, there is some misconception about the new definition of Anglo-Indians and the number that I have given. The number I have given is that of the people who are covered by the new definition and not the number of those people who used to be known as Anglo-Indians in this country before. If we consult the Southborough Committee's report we will find that there is that definition and the number of people who come under that definition.

As regards Dr. Suhrawardy's remark, I do not propose to accept the challenge thrown out by him as it relates to a racial question. If I discuss this I think it will not conduce to Hindu-Muhammadan unity in this Council."

The resolution was then put and lost.

The President said:—

"Owing to a mistake in an entry in the previous division, the figures that I gave out were not correct. Four members who are absent were entered as having voted by a clerical error. It does not alter the result of the division except that it alters the number, 10 voting against and 9 for the resolution."

LIST OF BUSINESS—ITEM No. 19.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such steps be taken as may be necessary to have a rule framed under the Government of India Act, expressly debarring Europeans and Anglo-Indians from contesting the two Labour seats in the Reformed Bengal Legislative Council.

He said:—

"My Lord, in support of this resolution all that I need say is that this is a resolution which has been passed by all the representative institutions of the country including also the Indian Association."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, this resolution has reference to constituency which is the direct outcome of the recommendations of the Joint Committee, which wished that an attempt should be made to secure a better representation of the urban wage earning class. On receipt of that recommendation we did our best to devise a constituency, although there are many who feel that the time is scarcely ripe in this country for a constituency of this kind However it was not for us to argue and we did our best to create it Ordinarily in special constituencies the rule is that the representative of that constituency should be qualified as an elector in it, that is to say, zamindars should be represented by zamindars, and so on. When we came to this labour constituency, bearing in mind that the labour vote would be somewhat illiterate, we thought it would be too restrictive to make a similar provision, namely, that labourers—manual and industrial—must be represented by labourers, and we recommended that they should be represented by anybody qualified as an elector in any special or general constituency. The racial question was never raised by anybody and never came into our minds, and it seems to me to be inadvisable to introduce it now. If it is desired to ensure the representation of the

Sir Henry Wheeler; Babu A. C. Datta; Babu S. C. Chakrabartty.

labour constituency by what in England is known as labour candidates—tra unionists, or persons distinctively associated with the labour movement names will readily suggest themselves to this Council of Europeans wl in this country at the present time, would probably satisfy that qualificat more completely than many Indians. So if that is the object, why 'del Europeans? To impose a racial qualification is a new point which we ne thought of, and for which there does not appear to be adquate justification

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I have nothing to say in reply, except that I am anxious make one general observation, so that I may not be misunderstood in tl matter. As I have submitted before these are considered as grievances by t people. I thought it my duty to bring these matters to the notice of yo Excellency's Government. This much I wanted to say to the gentleman my right also. Whatever else might be said it must be admitted that there is any public opinion on a certain matter, it is our humble a sacred duty to bring that to the notice of the Government. I do not think is to the interest of any class in this country that we should conceal c real thought and say something outside the Council in the Congress a Conferences, but when we come to the Council Chamber change our to and make misrepresentations of these matters to the Government. I do n think it is good for any party concerned and this is my justification t troubling your Lordship with these matters at this stage."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 20.

The Hon'ble Babu Akhil Chandra Datta moved the following resol tion:—

This Council recommends to the Governor in Council that a recommen tion be made to the Government of India that such steps be taken as may necessary to allot two seats to the non-Muhammadan rural population Tippera in the Reformed Bengal Legislative Council instead of one as n proposed.

He said:—

"My Lord, my justification for moving this resolution is this: I fi for instance, that the non-Muhammadan population of Jessore is smaller th that of Tippera, but two seats have been given to Jessore while one has be given to Tippera. So far as the Southborough Committee's report goes t number of voters is shown as less in Tippera than in Jessore, but it is w known that the estimate of figures of voters as given in that report is rath incorrect, inaccurate and misleading. The only thing that is a sure a certain datum upon which we can proceed is the figure about population given in the census report, and according to that standard Tippera shou be given another non-Muhammadan seat."

The Hon'ble Babu Sarat Chandra Chakrabartty said:—

"My Lord, the object of my intimating that I shall speak on tl resolution was that if the learned mover successfully gained the six sea from the Anglo-Indians and Europeans there would be a contest for tho seats and I had a mind to ask for a portion of those six seats for my ov district, Dacca, which has been very badly served in the case of non-Muha madan seats. My friend has been unsuccessful in getting the seats fro the Europeans and Anglo-Indians and I do not think it would serve a purpose to press this resolution."

Sir Henry Wheeler; Babu A. C. Datta; Babu K. M. Chaudhuri.

The Hon'ble Sir Henry Wheeler said:—

"My Lord, I think the Hon'ble Member actuated by district patriotism, has preferred a claim which can hardly be substantiated. The matter is to be judged rather by the provincial average number of rural non Muhammadan voters per seat than by the particular number which may exist in an isolated district. It may be that in our wish to give representation to a particular district we gave a member to it though of slightly less voting strength than another, but if the question is judged on averages, I submit that there is no claim. The average number per seat of non-Muhammadan rural voters, according to the figures laid before Lord Southborough's Committee, is 23·3 thousand: the anticipated number of non Muhammadan voters in Tippera was 18,836, so it really scores on the allotment. These figures have been revised in the light of the first preparation of the electoral roll. That brings out an average of 14,000 per seat, while Tippera comes out with 12,606 voters. On these figures I do not think we can possibly make out a claim for two seats."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 21.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such steps be taken as may be necessary to allot one seat to the urban areas of the Chittagong Division and one seat to the urban areas of the Rajshahi Division in the Reformed Bengal Legislative Council.

He said:—

"My Lord, my point is this. It appears that Calcutta urban has got two members, Howrah has got one member, Presidency Division has got another and the Dacca Division has got one member. So practically the urban areas of the Presidency Division, Burdwan Division and the Dacca Division have been given separate representation. There is some feeling that the urban areas of the municipalities of the Chittagong Division might be given one vote and the urban areas of the municipalities of the Rajshahi Division one seat."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, in this demand I join. Now that Darjeeling district has shown willingness to come under the operation of the Reformed Council, and in that demand the other districts of the Rajshahi Division have joined, I think that one more seat for the Rajshahi Division, either for the urban area or in any other shape, would be a great blessing and would meet the wishes of the people. In this view I rise to support this resolution."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, in this instance the Hon'ble Member has got rather across the Joint Committee which, as I have previously said, is the final arbiter in these matters. When the Southborough Committee came out they of course considered the matter of the representation of urban and rural areas, and the recommendation made to them by this Government was that the distinctively urban areas in this province were to be found in Calcutta, Howrah and Dacca, and the riparian municipalities on the banks of the Hooghly. That, I think, is correct; all these areas have a distinctly urban character,

far different from the ordinary district headquarters, which, even if it be Rampur Boalia, is little more than a large muffassal village. Calcutta and Howrah, on the other hand, Dacca, partly from its historical importance, and the mill municipalities are distinctly urban in type. Their ways of thought and manner of living are different from those of an ordinary rural village. That was our recommendation to the Southborough Committee, and it was accepted by them as regards the definition of urban areas, though for some reason best known to themselves, they raised the representation to be given to such areas. When the matter went before the Joint Committee the latter held that the Southborough Committee had overweighted the urban representation to the detriment of the rural, and we were asked to readjust the balance. It would, therefore, be impossible for us to propose more urban seats, quite apart from the fact that we and the Southborough Committee held that Chittagong and Rajshahi, which are not distinctively urban, ought not to have a separate representation of urban areas as distinct from rural."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 22.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution :—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that necessary steps be taken to omit the words "during and" in paragraph 3 of Schedule II to the rules relating to the Provincial Legislative Councils, published in the *Calcutta Gazette* of the 19th May, 1920, Part IA, page 440.

He said :—

"My Lord, the fact is this : Under the rules that have been framed it has been enacted that those who pay cess, taxes and the rates of the year 1326 should be eligible for election that will take place in 1327. Unless that condition is fulfilled no man's name will be placed in the list of voters. The result has been, as I know as a matter of fact, the list has been curtailed to any extent, because it is well known that very few people pay the rent of the year, before the expiry of the year. I know of some cases where the list has been reduced by half and some cases to one-fourth and this is not quite proper in the first year at least, because the people did not know that there would be a rule like this. But if the people knew that they would be able to exercise the right of franchise on payment of the cess or taxes as provided in the rule they certainly would have paid the cess or taxes in time. They did not know this and now it is too late for them. If they paid cess now that would not entitle them to vote. If this rule is adopted after the next election nobody would complain, but so far as this election is concerned it is only proper that that condition should be eliminated."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, the reason for wording in its present form the rule with which the resolution is concerned is largely a practical one. In a general constituency one qualification is the payment of cess or tax during, and in respect of, the previous year. The Hon'ble Member wants us to leave out the words "during and;" in other words he would eliminate any specified period within which the cess or tax must be paid, in which case a man could presumably be registered as a voter if he pays at any time up to the publication of the rolls. We did not consider it practicable to do this. We had

to go ahead with the preparation of the rolls, which were taken in hand in February, thus allowing ample time to pay the taxes during the previous year. We thought it absolutely necessary to fix a period which would permit of the roll being compiled on a definite basis. If the roll is to be left in a fluctuating condition right up to its final publication we considered that it would seriously complicate matters, while there is no real hardship in adhering to the rule as it has been framed."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 23.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such steps be taken as may be necessary to increase the number of non-Muhammadan general seats in the Reformed Bengal Legislative Council so as to make it conformable to the Lucknow compact.

He said:—

"My Lord, this is a compact which has been accepted as a matter of fact as the basis of the distribution of seats as between Hindus and Muhammadans by the Montagu-Chelmsford Report, by the Franchise Committee and also by the Joint Select Committee. According to this compact the proportion of Indian representation was 40 and 60—40 per cent. Muhammadans and 60 per cent. Hindus. We now know that the Muhammadan number is 40 and I think my figure is right because I found a list published in the *Gazette* of the 16th June and in that list the number was shown as 40. If the number is 40, then according to the Lucknow compact the number of Hindu seats ought to be 60, but as a matter of fact that number is 55. Out of the 116 elected members 18 have been given to the Europeans and 3 to Anglo-Indians, and therefore if we deduct 21 from 116 there remain 95, and of this number if 40 go to the Muhammadans only 55 remain for the Hindus. This, I beg to submit, is not conformable to the Lucknow compact. Mr. Suhrawardy is not here. Had he been here I would have told him that I do not propose to decrease the number of Muhammadans. What I beg to submit is that the Lucknow compact which has been accepted may be acted upon."

The Hon'ble Babu Sarat Chandra Chakrabartty said:—

"My Lord, the Hon'ble Member has said that he does not like to decrease the number of Muhammadan seats, but he wants an increase in the Hindu seats; in this I give him my humble support. There has really been a great complaint that the number of non-Moslem seats in the province has been much less than what the Hindus ought to have got, considering their status in the country, their position and education. The number is much less, and as we want to increase the number of seats, without any proportionate decrease in the number of European, Anglo-Indian and Muhammadan seats, it is simply a question of recommendation by this Council to increase five or six more non-Moslem seats and allot them to Hindus. That will remove their grievance. With these words I support the resolution."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, I think I can easily set the Hon'ble Member's mind at rest. Practically his resolution asks that the Muhammadans should not have more seats than they are entitled to under what is known as the Lucknow compact, and of that intention there is not the slightest doubt, since the Joint Committee has definitely said that the recommendations of the Franchise Committee in respect of the adherence to the Lucknow compact may be accepted. The Hon'ble Member may, of course, ask if that is the intention, why has it not been followed in the scheme as it stands, which does show the Muhammadans with one seat in excess of the number justified by the Lucknow compact. I can easily explain that. When we sent up our proposals regarding the landholding interest, we recommended 7 members, but the Government of India cut it down to 5. That accounts for the present excess of 1 in the number of Muhammadan seats. Attention has been drawn to this fact by the Secretary of State, and it will be for the Joint Committee to readjust it. As a matter of fact, the composition of the Council with its conflicting interests has become a sort of jigsaw puzzle. There are the European, the Anglo-Indian interests, the landholding and commercial interests, and, as regulating the Muhammadans, the Lucknow compact, and all have to be kept in mind. Various people make various suggestions altering the total number of seats, and the relative proportions get upset. However, this can be put right, and about the Lucknow compact there is not the slightest doubt that the Joint Committee intended to adhere to it."

The resolution was then put and agreed to.

LIST OF BUSINESS—ITEM No. 24.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution :—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such steps be taken as may be necessary to substitute the words "which is governed by the Indian Factories Act, 1911 (XII of 1911), in receipt of a monthly wage amounting to Rs. 20 and not exceeding Rs. 80" for the words "which is a member of one of the affiliated associations of the Bengal Chamber of Commerce, in receipt of a monthly wage amounting to Rs. 25 and not exceeding Rs. 35" in paragraph 13 of Schedule II to the rules relating to Provincial Legislative Councils, published in the *Calcutta Gazette* of the 19th May 1920, Part IA, page 443.

He said :—

"My Lord, the complaint made in this resolution is this : That the franchise has been restricted only to wage-earners employed in those companies which are affiliated to the Bengal Chamber of Commerce ; that is a restriction that will exclude wage-earners employed in other companies. The intention was that all wage-earners should be given a representation, and not wage-earners of a particular district or area, or that wage-earners employed by certain companies should be given representation only. In that view, I think that this restriction may be removed."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, here again, I hope I can give the Hon'ble Member an explanation of our action which will commend itself to him. The resolution refers to the labour constituency, which I have previously referred to as rather a troublesome one—one which has given us a considerable amount of anxiety

to work out, and in which, in a sense, we are not yet satisfied that we have arrived at a solution which is above criticism; nor do I think, in the present condition of the country, we shall ever arrive at a fully satisfactory solution. In endeavouring to form an industrial wage-earning constituency we had first to decide the area which we would take up, and we confined it to the areas round Calcutta, which seemed to us to be distinctly industrial areas. We then had to consider what was about the maximum electorate which was in any sense manageable, and what was the best way to ensure the preparation of the electoral roll by a reliable agency. We thought that we could only compile anything like an accurate roll if we confined ourselves, at any rate at the beginning, to large concerns. If you frame a roll in the terms of the Factories Act, you bring in any concern which employs 50 persons or more, and you get in a multitude of petty concerns in which we shall never be able to register the voters. That is the sole reason for restricting the vote to employees of large concerns.

Then as regards the wage limit. We consulted the Jute Mills Association as to the probable number of voters we should get by taking a certain wage limit, and we worked it out that by taking Rs. 25 to Rs. 35 as the limits, we could get an electorate of 50,000. The figures have not been yet compiled, but the estimate is the best we could frame. If we put this wage limit between Rs. 20 and 80 instead of Rs. 25 and 35, we should get an electorate so large that it would be extremely problematical whether we could ever handle it.

These are the reasons for our proposals, and they are straightforward and simple ones."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 25.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such steps be taken as may be necessary to alter clause 3 (*1*) (*a*) of Schedule II of the draft rules published in the *Calcutta Gazette* of the 19th May, 1920, Part IA, page 440, so as to make a tenant in occupation of a house situated in any Municipal or Cantonment area qualified as an elector if he pays an annual rent of not less than Rs. 60.

He said:—

"My Lord, the position is this: Under the rules as framed, a large number of people who are now in occupation of houses as tenants paying monthly or yearly rents will be deprived of the vote. They will not have the right of suffrage. In most cases taxes are paid in the name of owners, and so far as the assessment list goes, it is the landlord's name which appears there, and therefore professional men and other people who occupy houses in urban areas as tenants will be excluded. This resolution contemplates the inclusion of those men in the electoral roll."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, the rule as now framed gives the franchise, practically, on the qualifications for the Municipal vote, that is to say, the payment of a certain minimum sum as rates will entitle a person to vote. What the Hon'ble Member asks us to do is to alter that basis of qualification to one of rental valuation of houses occupied, that is to say, that any person who

pays Rs 60 a year as rent should have a vote. My objection to this is very much the same as to the previous resolution. How are we to compile the list? On the basis of municipal qualifications only we can compile a list of ratepayers, as we are only following the basis of municipal voting qualifications. But if we are to introduce rental valuations, it will be an exceedingly difficult thing to ascertain what rent a particular individual pays, and the trouble of compiling a roll will be increased enormously. It is a practical difficulty, therefore, which stands in the way of the resolution."

The Hon'ble Babu Sarat Chandra Chakrabartty said :—

"My Lord, as the hon'ble mover has pointed out, a very large proportion of the municipal population will be excluded if the present rules stand. In my own municipality of Dacca, there is a proportion of about half and half in the number of voters—that is to say, one-half of the voters are rate-payers paying a rate of Re. 1-8 per year each, and the other half are rent-payers each paying a rent of Rs 20 a year, but according to the rules as now framed, the rent-payers will be totally excluded, and it will be very unfair because a person paying Re. 1-8 a month as rate will have a vote, while a person paying even Rs. 1,000 a month as rent will not have a vote. So I beg to submit that it would be very unfair to a very large number of townspeople, who generally reside in rented houses, to be totally excluded from the franchise. As regards the Hon'ble Sir Henry Wheeler's remark that it would be very difficult to find out what is the exact rent a man is paying I beg to point out that it would not be necessary at all to find that out. If the rent-payers become voters as well as the rate-payers, then I think there will be no difficulty about this. With these words I support the resolution."

The resolution was put and agreed to.

LIST OF BUSINESS—ITEM No. 26.

The following resolution stood in the name of the Hon'ble Babu Akhil Chandra Datta, namely :—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that necessary steps be taken to amend the draft rule relating to the qualifications of electors of non-Muhammadan and Muhammadan constituencies in Bengal for the Indian Legislative Assembly so as to confer the franchise upon any person paying income-tax, irrespective of the amount thereof.

He said :—

"My Lord, I do not wish to press this resolution. I would ask leave to withdraw it."

The motion was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 27.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution :—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that necessary steps be taken to allot one more seat to Bengal in the Indian Legislative Assembly than is proposed in the draft rules and to allot one member each to the Chittagong and Rajshahi Divisions.

Babu A. C. Datta; Sir Henry Wheeler; Babu K. M. Chaudhuri.

He said :—

"My Lord, under the existing arrangements, if I remember right, Calcutta has been given two seats, the Presidency Division one seat and the other two divisions one seat each, viz., Dacca and Burdwan, but only one seat has been given to the two divisions of Rajshahi and Chittagong together. In other words, whereas the Presidency Division has got three seats, these two divisions have got one seat only. Our prayer is that one seat may be given to Chittagong and one to Rajshahi, as has been done in the case of the other divisions."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, this resolution has reference not the Provincial Council, but to the Legislative Assembly, and it is therefore somewhat out of place for this Council to pronounce an opinion upon it, since the composition of the Legislative Assembly rests with the Government of India who have to view the point in the light of the conflicting claims of the different provinces of India as a whole. What the resolution asks for is one more seat to Bengal, or rather, that is the important element in it, since the allocation of that seat is entirely a subsidiary matter The crucial point is whether we, in Bengal, can rightly ask for one more seat in the Legislative Assembly. The Legislative Assembly is to comprise 103 elected members In the provisional distribution which the Government of India published in January 1920, Bengal was to get 17 out of 100, the total being raised in February to 103. I would draw the attention of the Council to the fact that that was more than any other province got, only 16 being given to Madras, Bombay and the United Provinces, so we are already one above any other province. In the light of that fact, and on an examination of the merits, we gave it as our opinion that we could not fairly ask for more Having already seen in financial matters what provincial jealousies mean, we may be certain that the same squabbles would arise if we try to get 18 seats The extra seat has got to be taken from somebody else, and every province will protest The percentage of 17 was already rather more than the percentage that was proposed in the earlier papers. The report on Indian Constitutional Reforms gave 16·4 per cent ; the Southborough committee made it 15·2 per cent and the present proposal gives us 16·5 per cent. That being so, we think it is perfectly useless to ask for more."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I support this resolution, because it may reasonably be apprehended that one of the divisions may go without representation on the Legislative Assembly. In that view, if Chittagong and Rajshahi be tacked together, and the numbers of voters in the Chittagong Division be very small, it may be that the Rajshahi Division only may get the representation. That is a difficulty which ought to be considered. Out of the six seats, two have been assigned to the Presidency Division, one to Burdwan, one to Dacca, and one to Rajshahi and Chittagong jointly. I think a recommendation may be made that one more seat should be allotted to the remaining division."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 28.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution :—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such action be taken as is

necessary to confer the right of electing members to the Reformed Councils upon all graduates in the general constituencies.

He said :—

"My Lord, I am perfectly aware that this question has been discussed from the very outset, but at the same time it is equally true that there is a very strong feeling in the country that there should be some such qualification introduced. There are many graduates who, under the existing rules, will not have the right of voting, because it so happens that in the case of joint-families the entire family is treated as one unit, for the purpose of franchise, and unless the graduate is the chief member of the family, he will have no vote. It is only proper that this most important class of people should have the right to vote. Of course, it has been said that only those people who have a stake in the country should have the right of voting, and on that ground it has been suggested that merely because a man is a graduate, he should not have the right to vote. At all events, that was the ground upon which, I think, your Excellency's Government acted in not accepting the recommendation for conferring the right of voting upon graduates, although it was moved not only by Indians, but also by some responsible Europeans. Now, my Lord, it is rather difficult to understand how it can be said that these graduates have no stake in the country. If the graduate has no property in the sense that being governed by the dayabhaga law he does not become the proprietor till after his father's death, he is practically as much the proprietor as the head of the family, and therefore he has substantial stake in the country. Then, my Lord, with your Excellency's permission, may I be permitted to say just one word about the ground that your Excellency urged the other day at Hooghly, that the principle of democracy is that one man is as good as another, and the vote of one man is quite as good as the vote of another man, I may say, that that is probably true in principle, but without going into the merits of this particular matter, I hope to be permitted to point out that this is a principle which, as a matter of fact, has not been adopted in our Reform rules. If the principle of democracy is pushed to its bitter end certainly it is so. My submission is that it has not been adopted as a matter of fact. If it had been adopted, then certainly graduates being as good men as any other, they also will have the vote. We have not got manhood suffrage ; we have made distinctions between man and man and that is a distinction about which there is no complaint. There must be some distinction and that is the position which has been accepted by all the people. The whole question is whether graduates, by whom I really mean persons having certain educational qualifications, might or might not have the vote. Therefore, my Lord, I move this resolution."

The Hon'ble Babu Sarat Chandra Chakrabartty said :—

"My Lord, I give my support to this resolution, and if the Council is not prone to accept it as it is, then I would propose to the Council to accept it in a modified form. Your Excellency knows that the Dacca University, which has been allotted one seat, will not be permitted to exercise that right before the University is started, and as I know that the University will not be formed till July 1921, the graduates of Eastern Bengal who will be benefited generally by the Dacca University will have no franchise. So, if my hon'ble friend accepts that modification I would amend it in this way : that the graduates of the Dacca district will elect one member to the Council, because as your Excellency knows they will not have any right for electing a member before July 1921. So I would request your Excellency to consider this aspect of the question."

Sir Henry Wheeler; Babu A. C. Datta; Babu S. C. Chakrabartty.

The Hon'ble Sir Henry Wheeler said:—

"My Lord, I do not propose to deal with this resolution on its merits, as it is one of the matters which have already been judged, and the verdict has gone against the Hon'ble Member. As the Hon'ble Member himself admits, this question of giving votes to graduates, as such, was in the forefront right from the time when the Southborough Committee came out. The Southborough Committee considered it and they specifically discussed it with us, and they turned it down, preferring to adopt the general principle of the extension of the franchise to those who had a stake in the country. The graduate qualification, as such, was rejected. The point was again pressed before the Joint Committee, which declined to reopen the question. As I have already explained, we are merely working now on the adjustment of the scheme of the Southborough Committee to the extent that it has to be modified under the instructions of the Joint Committee, and it is absolutely no use trying to reopen a thing that has already been decided."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 29.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such action be taken as is necessary to have the number of seats allotted to the Calcutta University in the Reformed Bengal Legislative Council raised from one to three.

He said:—

"My Lord, although the resolution comes from a humble man like myself, really that is the complaint of that august body, namely, the University. On the existing Council out of 28 elected members the Calcutta University has got one member, but in the Reformed Council the number of elected members will be 116, *i.e.*, more than four times the present number, and yet so far the number of members given to the Calcutta University is only one. It can certainly be said that although one member is given to the Calcutta University another member is given to the Dacca University, and under existing conditions both the Calcutta and the Dacca Universities are represented by the same number. From that point of view my submission is that the number of elected members being four times, they are entitled to four members, and deducting from this number one seat, which has been granted to the Dacca University, the Calcutta University is entitled to the remaining three."

The Hon'ble Babu Sarat Chandra Chakrabartty said:—

"My Lord, my support is also under that condition that the Dacca University has been allotted one member and Calcutta one. I would urge that two more seats be allotted to the Universities without a proportionate decrease in the number of seats for the Dacca University. If my hon'ble friend makes a compromise, then with your Excellency's permission, I would propose that two seats be given to the Calcutta University and two to Dacca. I have spoken to my friend about it and I think he is willing to accept that compromise."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, I think it is beyond our province at this time to try and arrange between different university authorities as to the division of the number of seats. From the beginning the Southborough Committee proposed

that the Calcutta University should have one seat, which was in conformity with the representation accorded to universities of like standing in other provinces. The Joint Committee did not demur, and to propose now to raise it to three will be a substantial change, which we should not be justified in suggesting at this stage."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 30.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution :—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such action be taken as is necessary to amend Rule III (about general disqualifications for being elected) of the rules relating to Provincial Legislative Councils published in the *Calcutta Gazette* of the 19th May 1920, Part IA, page 431, by omitting clause (*d*) and by substituting the figures "18" for the figures "25" in clause (*f*) thereof.

He said :—

"My Lord, I do not propose to press the remaining portion of the resolution which substitutes the figures '18' for the figures '25.' The previous portion deals with the cases of legal practitioners who have been suspended or under order of suspension. Such legal practitioners have been disqualified from standing for election. It appears to me that there is really no corresponding provision in respect to other people. Suppose there is a Government servant who has been dismissed : there is no rule disqualifying the dismissed Government servant from standing for election. Therefore there is no reason why there should be this specially hard rule for legal practitioners. We all know how at the heat of the moment a Judge draws up proceedings suspending a legal practitioner, and although he may regret it later on, and he may eventually be exonerated, under the rules he will be disqualified from standing for election. This seems to me to be rather unfair for legal practitioners, especially in view of the absence of similar rules in respect of other dismissed officers.

With these few remarks I beg to commend the resolution to the acceptance of the Council."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, the Hon'ble Member rather speaks as if we are introducing an innovation. As a matter of fact the rule under which a dismissed or a suspended legal practitioner is incompetent to stand for election is in our existing rules. It is also in the rules governing election to the Imperial Legislative Council, and with regard to the possible hardship to which he has alluded I may remind him that this disqualification may be removed by an order of the Local Government. In those circumstances I fail to see that there is anything unfair in the provision."

The resolution was then put in the following form and lost :—

This Council recommends to the Governor in Council that a recommendation be made to the Government of India that such action be taken as is necessary to amend Rule III (about general disqualifications for being elected) of the rules relating to Provincial Legislative Councils published in the *Calcutta Gazette* of the 19th May, 1920, Part IA, page 431, by omitting clause (*d*).

Babu A. C. Datta; Sir Henry Wheeler.

LIST OF BUSINESS—ITEM No. 31.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

This Council recommends to the Governor in Council that steps be taken to extend the benefit of the Royal amnesty to all the remaining detenus, State prisoners and political prisoners and to release them without further delay.

He said:—

"My Lord, in this connection I am anxious at the very outset to invite your Excellency's attention to the fact that although many of these internees have been released under the Royal amnesty, some 6 months ago, some about 4 and some 3 months ago, yet as a matter of fact we do know that those released people have ever abused the King's mercy that was conferred upon them. As a matter of fact, we know that there has been no recrudescence of the lawlessness, murder of policemen or anything of that sort. They have behaved themselves as well as any other law-abiding citizen, and I, therefore, think that it is just a matter for consideration whether most of our fears and misgivings are not more or less unfounded. There was a time, when on more than one occasion, I had the temerity to move resolutions of this character, and I was hooted and hissed and was told that if these men were released the British Empire would come to an end. We are now convinced that our misgivings were absolutely without any justification. If I had moved a resolution for the release of these internees in the third week of December last, certainly that proposition would not have found favour with many of us in this Council, but when under the King-Emperor's mercy these people have been released I think the result has quite justified the action taken by the King-Emperor. Therefore, my Lord, what is true in respect of the people who have already been released I hope and trust the same will be true about the other people who are still under detention, and I sincerely believe that if the remaining people are released they will not abuse the Royal prerogative."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, there is one statement and one argument which have just been used by the Hon'ble Member which I specifically challenge. The first is that it may be said that among all these men to whom clemency has been shown under the terms of the Royal Proclamation there has been none whose conduct has been open to exception since they were thus treated. That I submit, Sir, is notoriously not the case, and conspicuous names must suggest themselves to Hon'ble Members of persons whose subsequent behaviour has scarcely accorded with their treatment under the amnesty. The second argument is that because we have been able to release some of these youths without a recrudescence of the outrages which disgraced the province in previous days, it is to be inferred that no restraint need ever have been exercised over them. That argument, Sir, I also challenge, though I am not going to retraverse the old controversy as to the guilt or innocence of these *détenus*.

The validity of the resolution seems to me to depend on the question, whether, looking at the terms of the Royal Proclamation, we have in this province fairly and squarely interpreted and given effect to them. The terms of the Royal Proclamation in this respect were as follows:—

'* * * I, therefore, direct my Viceroy to exercise in my name and on my behalf my Royal clemency to political offenders in the fullest measure which in his judgment is compatible with the public safety.' I desire

him to extend it on this condition to persons who for offences against the State or under any special or emergency legislation are suffering from imprisonment or restrictions upon their liberty.'

That is the wording of the Proclamation, and it will be seen at once that it distinctly contemplates the scrutiny of individual cases and a decision upon them according to the merits of each. That is what has been done in this province, although it is merely, in fact, a continuation of the policy to which we have adhered ever since it became necessary to enforce these measures of restraint; that is to say, we have throughout enforced them to the extent and for the period only that it was necessary to do so. As soon as we considered it safe to relax restraint, we have consistently done so.

Now the persons treated under the Proclamation fall under three main categories. There are first of all State prisoners—those who have been restrained under Regulation III of 1818. Not to go too far back, the number of these on the 31st December 1918 was 103, and those who were so dealt with between the 1st January 1919 and the amnesty, 9, making a total of 112. Of this total of 112 we had, prior to the amnesty, released 48. Subsequent to the amnesty we have released 45, leaving a total of 19 who are still under restraint. The cases of these 19 youths have been most carefully, and on more than one occasion, weighed, especially since the Proclamation and before it also. They have been frequently interviewed by our officers, and we have done our utmost to arrive at a fair conclusion whether or not we can now safely set them at liberty. We have not as yet been able conscientiously to arrive at that decision, and that is a conclusion founded on the conversations and interviews which our officers have had with these youths, read with all other circumstances of their cases. They are not at present, to our mind, fit subjects for release, but should it so happen hereafter that their state of mind and views change, then we shall have no hesitation in treating them accordingly and removing the restrictions on them. But until we are satisfied on that point we shall not do more than what we have done; but already we have given effect to the Royal Proclamation in the most liberal sense.

The next category is that known as '*détenus*,' those who have been dealt with under the Defence of India Rules. The number of these on the 31st December 1918 was 651, and another 29 were so dealt with after the amnesty, making a total of 680. Before the amnesty we had released 482, and since the amnesty we have released 198, so in relation to them the resolution is meaningless, as there are now no *détenus*.

The last category is that too frequently carelessly referred to as 'political' prisoners, but who in reality were members of revolutionary societies connected with the seditious movement who had been convicted of various offences under the ordinary law. Of these there are at present in jail 47, and, strictly speaking, their cases do not fall within the wording of the Royal Proclamation, since they were convicted of ordinary offences against the ordinary law. We, however, did not wish to exclude their cases altogether from the possibility of clemency, and we have reviewed most of them and are in process of reviewing others. There are one or two doubtful cases in which we are enquiring further whether it is possible for us to show mercy. It will depend on further scrutiny of the records and on further interviewing with the men themselves. But these cases are in the minority. In the majority of these cases we do not feel justified in exempting from the ordinary operation of the criminal law those men who had been punished under it: and the slightest scrutiny of the kind of offences for which these men are at present suffering imprisonment will convince any reasonable person on that point. These men were implicated in ordinary crimes, and

Sir Henry Wheeler.

there is no obvious reason for showing clemency to them. In this category, therefore, there are a few doubtful cases, but the majority do not permit of doubt.

"That being so, Sir, I contend that effect has already been given to the Royal Proclamation to the fullest extent within the limits of public safety, and we cannot agree to go further than we have gone."

The resolution was then put and lost.

ADJOURNMENT.

The Council was then adjourned *sine die.*

J. F. GRAHAM,

Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.

CALCUTTA ;
The 19th July, 1920.

B. S. Press—6-10-1920—1249J—350—W. C. & others.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at new Government House, Dacca, on Wednesday, the 4th August, 1920.

Present:

HIS EXCELLENCY the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble SIR CHARLES STEVENSON-MOORE, K.C.I.E., C.V.O.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble MR. F. J. MONOHAN.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. C. D. M. HINDLEY.

The Hon'ble MR. M. CATHCART.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. R. M. WATSON SMYTH.

The Hon'ble MR. W. L. TRAVERS, O.B.E.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU SARAT CHANDRA CHAKRABARTTY.

LIST OF BUSINESS—ITEM No. 1.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

The following questions, which had been starred, were put and answered:—

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***I.**

(*a*) Will the Government be pleased to state the number of ferries in the Jalpaiguri district? Ferries Jalpaiguri district

(*b*) How many are under the management of the district board and how many under Government?

(*c*) Are the roads on both sides of the Government ferries maintained by the district board, or by the Government?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) 97.

(*b*) 76 ferries are under the management of the district board and 21 under Government.

(*c*) Two of the Government ferries have Government roads on both sides, 4 have district board roads on both sides, and 3 have district board or local board roads on one side; the remaining 12 have Cooch Behar State roads, tea garden roads or roads otherwise maintained on both sides."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***II.**

(*1*) Is it a fact—

(*a*) that only one candidate out of seven nominated by the Government was successful in the Finance Department examination held in December, 1919; The Fi Depart examin

(*b*) that the successful candidate occupied the last place in this examination; and

(*c*) that seven vacancies are thrown open to competition?

(*2*) Will the Government be pleased to state—

(*a*) what are the causes which led to the failure of the candidates nominated from this province;

(*b*) whether candidates with high educational qualifications (*i.e.*, 1st class M.A.'s or M.Sc.'s) are nominated or whether the selection is made on a basis other than educational; and

(*c*) whether the rules lay down that high educational qualifications are essentially necessary?

(*3*) Will the Government be pleased to state the names and qualifications of the candidates who appeared in the examination held in December, 1919?

Answer by the Hon'ble Mr. Marr:—

"(1) (a), (b) and (c) Seven candidates from Bengal were permitted to appear at the examination in December, 1919. This Govenment have not been informed of the result of the examination or of the number of vacancies thrown open for competition.

(2) (a) If the candidates from this province did fail it is presumably because the examiners considered others to be of superior merit.

(b) and (c) The Hon'ble Member's attention is called to the answer given to the similar question No. 25 (a) (i) asked to-day by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri.

(3)

(1)	Babu Nalini Kanta Sen Gupta ...	1st class, M.A., 2nd place in Mathematics, B.L., 1st class, first.
(2)	Babu Abhay Kali Ghose ...	1st class M.Sc. in Mathematics.
(3)	Maulvi Ataul Hakim ...	M.A. (Arabic), 2nd class.
(4)	Babu Sushil Chandra Mitra ...	M.A. (Philosophy), 1st class.
(5)	Babu Dhirendra Nath Sarkar ...	M.A., 2nd class.
(6)	Babu Mohit Kumar Ghosh ...	M.A. (Economics), 1st class.
(7)	Maulvi Mofizuddin Ahmed ...	B.Sc. (Chemistry), Honours."

By the Hon'ble Khan Sahib Aman Ali:—

***III.**

The Chittagong-Akyab Railway.

Will the Government be pleased to state—

(a) what is the present stage of the Chittagong-Akyab railway scheme,

(b) when it is expected to be completed; and

(c) what steps are being taken for the speedy installation of the said railway line?

Answer by the Hon'ble Mr. Cowley:—

"(a) The Chittagong-Akyab Railway is one of the schemes included in the list of Railways initiated by the Government of India. The only information which this Government have on the subject is that the Government of India in their Railway Department Notification No. 52 P.-17, of 31st August, 1917, sanctioned a detailed survey for the line from Chittagong to Maungdaw and in Notification No. 52 P.-17, of 16th September, 1918, a detailed survey from Maungdaw to Akyab. These notifications were republished in the *Calcutta Gazettes.*

(b) and (c) This Government have no information."

By the Hon'ble Khan Sahib Aman Ali:—

***IV.**

The Provincial Executive Service.

Will the Government be pleased to state—

(a) the number of Muhammadan deputy collectors in the first three grades of the provincial executive service;

(b) how many of them are officiating, or have been promoted to charges of districts as magistrates and collectors; and

(*c*) how many other Indians are serving as magistrates and collectors from the ranks of the first, second and third grades of the said service?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) One.

(*b*) None.

(*c*) Three officiating and five substantive. The names of the latter do not appear in the ordinary gradation list."

By the Hon'ble Khan Sahib Aman Ali:—

***V.**

Will the Government be pleased to state what are the pay and prospects of direct recruits who are appointed inspectors of co-operative societies in Bengal? Insp co-ope cieties

Answer by the Hon'ble Mr. McAlpin:—

"The pay of inspectors of co-operative societies who are recruited direct is graded as follows:—

			Rs.
Class I	...	...	150–10–200
Class II	...	...	100–10–150
Class III	...	...	105

Inspectors in classes II and III are eligible for promotion to classes I and II, respectively; they are also eligible for promotion to the posts of Divisional Auditors on Rs. 200–10–350 and Chief Auditor on Rs. 250–10–400.

The service of the subordinate Government inspecting staff in the Co-operative Department is at present on a temporary basis."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***VI.**

(*a*) Is it in the contemplation of the Government to place the question of discontinuing the Dacca move before a meeting of the Legislative Council? Dac and Coun

(*b*) Are the Government aware that the majority of the additional members of the Legislative Council come from Western Bengal and do not like the idea of having Dacca as the headquarters of the Government for even 2 to 3 months in the year on account of the difficulties of communication?

(*c*) Do the Government contemplate, in view of the above opinion of the majority of the members of the Legislative Council, to place the question of the Dacca move before a meeting of the Legislative Council?

(*d*) Will the Government be pleased to consider the question from the point of view that the people of Dacca were given a solemn pledge that the city of Dacca would be the seat of the Government for 2 to 3 months in the year at the time when the seat of the Government of Eastern Bengal and Assam was removed from it?

Answer by the Hon'ble Mr. Stephenson:—

"The existing position as regards the annual move of the Government of Bengal to Dacca is well known; it is explained in the published despatches of 1911, preceding the repartition of the province, and in the Parliamentary debates of the early months of 1912 Obviously the situation which then existed has since materially changed in certain respects. To mention only three:—Under the Reforms Scheme the numerical strength of the Executive Government—Members of the Executive Council and Ministers—will be appreciably increased, involving (together with the consequential additions to the Secretariat) the provision of more accommodation for its use if, for a portion of the year, it is to be located at Dacca. At the same time various of the houses now occupied temporarily by members and officers of Government during their stay at Dacca will shortly be handed over to the new University, and will then no longer be available for other purposes. Even now complaints are heard from members of the Legislative Council of difficulties of securing accommodation if they attend the meeting of Council, which is ordinarily held at Dacca; these must clearly be intensified when the new Legislative Council is raised to nearly three times its present strength, with the consequent probability that its sittings will be more protracted.

In view of these facts the local Government are of opinion that the whole circumstances of the yearly move of Government as a whole to Dacca will require to be reviewed, and they propose to afford an opportunity for their fresh discussion when the new Government and Legislative Council contemplated by the Reforms Scheme come into being. Until then the Governor in Council preserves an open mind upon the subject and is not prepared at this stage to make any further statement of policy; although it is obvious that, whatever be the future of the annual move of Government, as such, to Dacca, that town must always have special claims upon the presence and attention of the members and officers of Government."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***VII.**

Libel on Hindu widows and the *Epiphany*.

Are the Government aware—

(*a*) that a libel on Hindu widows has been published in the *Epiphany* a paper published in Calcutta, in its issue of the 19th June 1920, in the shape of a letter of an alleged correspondent named Hamedar Hossen Joardar;

(*b*) that the said paper *Epiphany* is owned and published by a body of Christian Missionaries called the Oxford Mission; and

(*c*) that the publication of the said libel has caused a wide spread feeling amongst the Hindus throughout the country and is calculated to create and foster racial feelings that may lead to serious consequences?

(*d*) Will the Government be pleased to state whether the said Oxford Mission gets any grant from the Government in any shape, and if so, what?

(*e*) Having regard to the fact that the said paper *Epiphany* has not withdrawn or expressed regret for the publication of the said libel, are the Government considering the desirability of withdrawing the grant to the said Oxford Mission, if any, or of taking such steps as they may be advised by their legal advisers?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) The attention of Government has been drawn to the letter referred to.

(*b*) Yes.

(*c*) It is understood that the letter has formed the subject of criminal proceedings and it is therefore undesirable that Government should express any opinion on the subject.

(*d*) A grant of Rs. 65 a month was sanctioned in August, 1919, for three years towards the maintenance of a hostel for medical students.

(*e*) It is not a fact that no regret has been expressed for the publication of the letter. In the original number of the 19th June in which the letter appears the Editor characterised the statement to which exception has been taken as 'an enormous exaggeration,' and added that 'reckless allegations of this kind can do nothing but harm.' In a subsequent number of the 24th July a 'belated apology' from the writer of the original letter appeared, the Editor welcomed it while again taking the writer to task for his inaccuracy. In view of the institution of criminal proceedings it is undesirable to say more."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***VIII.**

Will the Government be pleased to state why the proceedings of the meetings of the Calcutta Improvement Trust and the Port Commissioners are not published in the newspapers as is done in the case of the Calcutta Corporation and the Calcutta University? Proce the Cal provem and of Commi

Answer by the Hon'ble Mr. O'Malley:—

"The Calcutta Improvement Trust resolved in June, 1919, on the motion of the Hon'ble Member asking this question, that their proceedings should be sent to the Press for publication with the exception of any items which the Chairman might consider it necessary to withhold on public grounds. Since then copies of the proceedings of the Trust have been sent regularly to the Associated Press; one or two items are withheld in rare cases. The newspapers appear to publish such parts of the proceedings as they think likely to interest the public and are not under any obligation to publish them all.

There is no provision in the Calcutta Port Act, 1890, for the publication of the proceedings of the meetings of the Port Commissioners in the newspapers. Portions of the proceedings which were considered to be of public interest used to be sent to the newspapers, but as the extracts sent were rarely published in any paper, this practice has been discontinued."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***IX.**

Will the Government be pleased to state— Proj comme the Commi

(*a*) what projects were recommended in the report of the Irrigation Commission for this Presidency; and

(*b*) whether all the projects recommended have been carried out?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The report of the Indian Irrigation Commission, 1901-03, does not recommend for investigation any specific project in the Presidency of Bengal. The construction of a weir across the Damodar so as to improve the supply of water to the Eden Canal system and thus extend irrigation from

that canal were briefly noticed in the report. No specific recommendations were, however, made.

(*b*) A new supply sluice to the Eden Canal has recently been constructed at Jhanpur and the construction of a weir across the Damodar river is now under the consideration of this Government."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***X.**

Projects recommended by the Drainage Committee.

Will the Government be pleased to state—

(*a*) what projects were recommended in the Drainage Committee Reports of the year 1906-07; and

(*b*) whether all the projects have been carried out?

Answer by the Hon'ble Mr. O'Malley:—

"The Hon'ble Member is referred to the reply given to starred question No. 1 asked by him at the meeting of the Legislative Council held on 29th March, 1920."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***XI.**

Tolly's Nullah, Grand Trunk canal and Damodar canal projects.

Will the Government be pleased to state what progress has been made in the following schemes or at what stage they are at present?

(*a*) the canalisation of Tolly's Nullah;

(*b*) the Grand Trunk canal project; and

(*c*) the Damodar canal project.

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The Hon'ble Member is referred to the answer given to starred question No. 27 asked by him at the meeting of this Council on the 5th March, 1917. There is no proposal before Government for the canalisation of Tolly's Nullah. A project for the improvement of this waterway by the construction of a sluice at Samukpota and the closing of the nullah to the Bidhyadari tides was sanctioned in November, 1918. The work is under construction and is now approaching completion.

(*b*) The Hon'ble Member is referred to the Press *communiqué* dated the 29th June, 1920, which appeared in the leading newspapers, both English and vernacular, in Calcutta.

(*c*) The Hon'ble Member is referred to the answer given to the unstarred question No. 31 (*e*) asked by the Hon'ble Babu Siv Narayan Mukharji at the meeting of this Council on the 1st July, 1920."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XII.**

Admission of students to the 5th year class of the Dacca College.

Are the Government aware—

(*a*) that the Principal of the Dacca College has notified that no student will be admitted to the 5th year class of the college this year; and

(*b*) that this notice, being issued in the latter part of May, without any previous intimation, has caused great inconvenience to those students who have passed the B.A. and B.Sc. examinations and who want to prosecute their studies in the M.A. and M.Sc. classes?

Answer by the Hon'ble Mr. O'Malley:—

"The Hon'ble Member is referred to the answer which the Hon'ble Member in charge of Education gave on Wednesday, the 21st July, 1920, to the joint deputation of the East Bengal Landholders' Association and the Dacca District Association, in which deputation the Hon'ble Member took part."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XIII.**

Admission of certain students in the University Science College, Calcutta.

(*1*) Are the Government aware—

(*a*) that the students of the Dacca College and other colleges in Eastern Bengal who have passed the last B.Sc. examination in the pass course have been refused admission in the University Science College at Calcutta;

(*b*) that the said students have also not been able to get admission in the Medical and the Engineering colleges;

(*c*) that on account of the aforesaid reasons the said students will have no opportunity to prosecute their studies further unless they are admitted in the 5th year class of the Dacca College which is the only college in Eastern Bengal where post graduate studies both in Arts and Science can be prosecuted,

(*d*) that the present staff of the Dacca College is not inferior in quality or in numbers to that which prevailed during the war when post-graduate classes were not closed, although almost all the European members of the college staff were away on active military service; and

(*e*) that the establishment of the Dacca University in the next year will not necessitate the closing of the 5th year class, inasmuch as students have been admitted both in the 1st and 3rd year classes who will read the courses prescribed by the Calcutta University, and that the classes will be incorporated in the Dacca University when it will be established?

(*2*) Having regard to all these circumstances, are the Government considering the desirability of directing the Principal of the Dacca College to reconsider his decision and to admit students to the 5th year class?

Answer by the Hon'ble Mr. O'Malley:—

"The Hon'ble Member is referred to the answer which the Hon'ble Member in charge of Education gave on Wednesday, the 21st July, 1920, to the joint deputation of the East Bengal Landholders' Association and the Dacca District Association, in which deputation the Hon'ble Member took part."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XIV.**

Naming of the new Intermediate College at Dacca.

Will the Government be pleased to state—

(*a*) whether it is in contemplation to give the name of "Salimullah College" to the Intermediate College that will be formed out of the 1st and 2nd year classes of the present Dacca College and, if so, the grounds upon which it is intended to do so;

(*b*) whether they are considering the desirability of naming the Moslem Intermediate College after the late Nawab Sir Salimullah Bahadur, and leaving the new Intermediate College to be formed out of the present Dacca College to retain the present name.

Answer by the Hon'ble Mr. O'Malley:—

"The Hon'ble Member is referred to the answer which the Hon'ble Member in charge of Education gave on Wednesday, the 21st July, 1920, to the joint deputation of the East Bengal Landholders' Association and the Dacca District Association, in which deputation the Hon'ble Member took part."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XV.**

Discontinuance of the Dacca move of the Government.

Will the Government be pleased to state whether it is in contemplation to discontinue the Dacca move of the Government from the next year, and if so, to state the reasons therefor?

Answer by the Hon'ble Mr. Stephenson:—

"The Hon'ble Member is referred to the answer given to question V. (starred)."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XVI.**

Headquarters of the Bombay and the United Provinces Governments.

Are the Government aware that the Governments of Bombay and the United Provinces have their headquarters at Poona and Lucknow respectively, for some months in the year, and that those Governments have not yet discontinued this practice nor have they felt any inconvenience by such arrangement?

Answer by the Hon'ble Mr. Stephenson:—

"Government are aware of the arrangements mentioned, but have no information as to whether the Governments concerned experience any inconvenience from them."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XVII.**

Will the Government be pleased to state—

Occup the nev tariat bu Dacca.

(*a*) whether the new Secretariat building at Dacca is being occupied by the local offices which were hitherto located in the old Secretariat building; and

(*b*) whether it is on account of the arrangement that the Government will not make its periodical headquarters at Dacca any longer and do not require any Secretariat building?

Answer by the Hon'ble Mr. Stephenson:—

"The Hon'ble Member is referred to the answer to his starred question No. VI. It is the case that certain local offices which have been displaced from the old Secretariat building owing to the requirements of the new University are now housed in the new Secretariat. This is one factor in the matter of the annual move of the local Government to Dacca."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***XVIII.**

Will the Government be pleased to state—

Grant ocessions qualified pounder

(*a*) what benefit has been granted, under Government Notification No. 2611 Medl., dated the 27th November, 1919, to old qualified compounders who are drawing the maximum pay under the old rules;

(*b*) whether they are not entitled to draw increments with effect from the date when they reached the maximum pay under the old rules?

Answer by the Hon'ble Mr. Marr:—

"(*a*) The notification referred to by the Hon'ble Member was a preliminary one. The revised scale of pay for compounders in class I, II and III dispensaries was finally sanctioned in Government Notification No. 360 Medl., dated the 16th February, 1920. Under the orders contained therein, all compounders who were already in service drew their pay under the revised scale from the new minimum rate and no special concession was granted to those who were drawing the maximum under the old scale.

(*b*) No."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

***XIX.**

Will the Government be pleased to state—

Ext the Villag Gover

(*a*) (*i*) the names of the districts where the Bengal Village Self-Government Act, 1919, has come into operation;

(*ii*) the number of union boards started in each such district;

(*b*) how many union committees are still in existence in the province under the Bengal Local Self-Government Act of 1885 ;

(*c*) Are the Government considering the desirability of extending the Village Self-Government Act, 1919, to other districts within the province?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) (*i*) and (*ii*) A statement is laid on the table.

(*b*) 217.

(*c*) The answer is in the affirmative."

Statement referred to by the Hon'ble MR. O'MALLEY, *in answer to Question No. XIX (starred) asked by the* HON'BLE RAI SRI NATH RAY BAHADUR *at the Council meeting of the 4th August, 1920, showing districts to which the Village Self-Government Act has been extended and the number of union boards sanctioned in each.*

Name of district.	Number of union boards.
Burdwan	165
Birbhum	172
Midnapore	169
Hooghly	125
Howrah	82
24-Parganas	Nil
Nadia	Nil
Murshidabad	Nil
Jessore	Nil
Khulna	Nil
Dacca	130
Faridpur	56
Bakarganj	Nil
Tippera	254
Rangpur	Nil
Total	1,153

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***XX.**

Expenditure for construction of roads, etc., in certain estates in the Jalpaiguri district.

Will the Government be pleased to state how much road and public works cesses have been realised during the last 20 years and how much has been spent for construction of roads, etc., for each of the estates in the Jalpaiguri district noted below, viz. :—

(*a*) Government *Khas Mahal* (Western Duars).

(*b*) Chaklajat estates.

(*c*) Baikunthapur estates?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*), (*b*) and (*c*) A statement is laid on the table. "

Statement referred to by the Hon'ble MR. MCALPIN *in answer to Question No. XX (Starred) asked by the Hon'ble* BABU KISHORI MOHAN CHAUDHURI *at the Council meeting of the 4th August, 1920.*

NAME OF ESTATE.	Amount of road and public works cesses realised during the last 20 years (1899-1900 to 1918-19)	Amount spent on the construction and repair of roads during the last 20 years (1899-1900 to 1918-19).
	Rs.	Rs.
(a) Government Khas mahal (Western Duars).	5,51,700*	13,96,253
(b) Chaklajat estates ...	10,21,093	5,08,350
(c) Baikunthapur estate ...	6,04,062	3,83,092

* These figures are only for 12 years, viz., 1907-08 to 1918-19; those for the period 1899-1900 to 1906-07 are not available.

By the Hon'ble Khan Sahib Aman Ali:—

***XXI.**

Will the Government be pleased to state—

Mini ocers in office gong

(a) the number of ministerial and other officers employed in the Forest office at Chittagong;

(b) how many of them are Muhammadans;

(c) how many of them belong to Chittagong; and

(d) whether the circular requiring that at least one-third of the appointments should go to Muhammadans applies to that office, and, if not, why?

Answer by the Hon'ble Mr. McAlpin:—

"(a) Four.

(b) None.

(c) One.

(d) Yes, but it is not always possible to keep the percentage required in any one division, as clerks are liable to be transferred all over Bengal. There was, however, a vacancy in this office last year which could not be filled by a Muhammadan, as one suitable for the post could not be obtained."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***XXII.**

Will the Government be pleased to state—

Sani survey provin

(a) whether a sanitary survey of this province has been made, district by district, with regard to the following:—

(i) the improvement of the drainage of silted-up rivers and *khals*;

(ii) the improvement of the drainage of "*bils*" and other water-logged areas; and

(iii) the improvement of water-supply in rural areas?

(*b*) If the reply to (*a*) be in the negative, will the Government be pleased to state whether they are considering the desirability of making such a survey?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The Hon'ble Member is referred to the reply given to starred question No. I asked by him at the meeting of the Legislative Council held on 29th March, 1920.

(*b*) The answer is in the negative."

By the Hon'ble Khan Sahib Aman Ali:—

***XXIII.**

The Moslem high school at Chittagong.

(*1*) (*a*) Are the Government aware that the Government Moslem high school at Chittagong is ill-ventilated and has insufficient accommodation?

(*b*) Will the Government be pleased to state—

(*i*) when the major portion of the old Collectorate building, now partly occupied by the thana and partly by the Moslem high English school will be vacated; and

(*ii*) whether the rooms, when vacated, will be made over to the Moslem school?

(*2*) (*a*) Are the Government aware that Mr. Nathan's committee decided to make over the whole building with its appertaining houses to the Moslem school?

(*b*) Are the Government considering the desirability of giving effect to the recommendations of that committee?

Answer by the Hon'ble Mr. O'Malley:—

"(*1*) (*a*) Government are aware of the insufficiency of accommodation and agree that the building is not altogether suitable.

(*b*) The matter is under inquiry and no reply can be given at present.

(*2*) (*a*) The answer is in the affirmative.

(*b*) The Hon'ble Member is referred to the reply given to clause (*1*) (*b*) of the question."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

***XXIV.**

Dacca as the second capital of the Presidency and difficulties of communication

(*a*) Are the Government aware—

(*i*) that Dacca was made the second capital of the Presidency and the headquarters of the Government of Bengal for 2 to 3 months in the year under the sanction of His Majesty's Government and the British Parliament;

(*ii*) that it is chiefly owing to the difficulties of communication that people from the other parts of Eastern Bengal cannot avail themselves of the opportunities of the presence of the Government at Dacca as largely as they could wish?

(*b*) Will the Government be pleased to state what steps, if any, they have taken to remove these difficulties and to make Dacca accessible to other parts of Eastern Bengal?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) (*i*) The Hon'ble Member is referred to the answer given to starred question No. VI.

(*ii*) Government are not aware that the existing state of communications has prevented the people of other parts of Eastern Bengal from visiting Dacca during the residence of Government in that city.

(*b*) The subject of the improvement of communications in Eastern Bengal is constantly engaging the attention of Government. In the matter of improvement of communications by road, the policy is that local needs must be met primarily from local resources. As regards waterways, the Hon'ble Member is referred to the answer given to unstarred question No. 11, by the Hon'ble Rai Sri Nath Ray Bahadur, at a meeting of this Council held on the 29th March, 1920. It is the intention of Government to establish as soon as circumstances permit an irrigation division, with headquarters at Dacca, for the purpose of investigating the navigable conditions on the main rivers with a view to their improvement. It is also their intention to establish a new irrigation circle of superintendence, with headquarters at Dacca, for the proper investigation of any projects which may be taken up.

The improvement of communications by railway is a subject which rests ultimately with the Government of India. The Hon'ble Member is referred to a reply given by the Hon'ble Sir Arthur Anderson to a question asked by the Hon'ble Maharaja Sir Manindra Chandra Nandi, at a meeting of the Imperial Legislative Council held on the 1st March, 1919.

In regard to the improvement of communications generally, the Hon'ble Member is referred to a speech made by the Hon'ble Mr (now Sir John) Cumming in reply to a resolution on the subject of improved communications between Calcutta and Dacca, moved by the Hon'ble Maulvi Abul Kasem at a meeting of this Council held on the 12th August, 1919."

UNSTARRED QUESTIONS.

The answers to the following questions, which were unstarred, were laid on the table:—

By the Hon'ble Babu Akhil Chandra Datta:—

1.

Will the Government be pleased to state—

Abolitio the Boa Revenu

(*a*) whether any proposal has been made to abolish the Board of Revenue, and, if so, by whom and on what grounds; and

(*b*) whether the Government have addressed any despatch to the Government of India on the subject, and, if so, will the Government be pleased to lay it on the table?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) and (*b*) The matter is under discussion with the Government of India and this Government is not in a position to make a statement."

By the Hon'ble Babu Akhil Chandra Datta:—

2.

Teachers in non-Government high schools.

Are the Government aware that the teachers in non-Government high schools are generally ill-paid and are therefore discontented, and have no interest in their work?

Answer by the Hon'ble Mr. O'Malley:—

"Government are aware that the teachers in non-Government high schools are poorly paid and that there is consequently general dissatisfaction among them."

By the Hon'ble Babu Akhil Chandra Datta:—

3.

Pay and prospects of teachers.

(*a*) Is it in the contemplation of Government to give effect to the recommendations of the University Commission with respect to the improvement of the pay and prospects of teachers with a view to make their vocation attractive and acceptable to men of ability and good attainments?

(*b*) Until the said recommendations are given effect to, will the Government be pleased to consider the desirability of adopting such measures as may be necessary for giving relief to the said teachers against abnormal rise in the prices of all necessaries of life?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) It is presumed that the Hon'ble Member is referring to paragraphs 92-93 of Chapter XXXI and to paragraph 41 of Chapter XLIII of the Commission's report. In the paragraph last named, the Commission remarked:—'Plans have been proposed both for a substantial increase in the salaries paid to teachers in Government schools and for additions to the grants-in-aid to non-Governmental schools for the purpose of making possible the necessary increase in the salaries of their teaching staff. The annual cost of any effective reform will be large. It has been calculated that it would entail an additional annual recurring expenditure of nearly three lakhs, rising in seven years to eleven lakhs. Even this sum would probably prove insufficient to meet adequately the needs of all the secondary schools in Bengal.' In accordance with the plans referred to by the Commission a grant of Rs. 1,19,382 per annum was sanctioned last year for the distribution of supplementary grants-in-aid to aided and unaided high and middle English schools in which the salaries of teachers are inadequate, on condition that their salaries are raised in accordance with a prescribed scale. It is not at present possible to make further financial provision for the improvement of the pay and prospects of teachers in non-Government high schools.

In paragraphs 92-93 of Chapter XXXI the Commission recommended:—

'(*1*) That in the case of private schools recognised but unaided from public funds, it should be made a condition of recognition that rates of salary be defined for every teaching post in the school; and that in the case of aided private schools, the Board of Secondary and Intermediate Education should make it a condition of the grant that a minimum salary be assigned to each post.

(*2*) That in all cases it should be a condition of recognition that the teacher's terms of appointment should be embodied in a written contract, a copy of which should be deposited with the Board: and that he should have a right of appeal in case of breach of contract, the governing body agreeing to abide by its decision.

(*s*) (*a*) That a superannuation fund should be established which should be open to the whole profession of teachers in intermediate colleges and high English schools, membership of the fund being obligatory in the case of members of the staffs of Government and of aided schools and open (with the concurrence of the school authorities) to teachers in all other recognised high schools and intermediate colleges.

(*b*) That the Government should make a substantial annual grant to the superannuation fund and that in all aided schools and intermediate colleges, it should be one of the conditions of appointment that the teacher should subscribe a fixed percentage of his salary to the superannuation fund, the Board (or the Governing body in the case of the aided schools) contributing an equal or a greater amount.

(*c*) That unaided schools or intermediate colleges, recognised by the Board, should be entitled and encouraged to come into the scheme.'

These recommendations cannot be considered until a Board of Secondary and Intermediate Education is constituted."

By the Hon'ble Babu Akhil Chandra Datta:—

4.

(*a*) Are the Government aware that non-payment of any sort of allowance to jurors attending courts from a distance not exceeding five miles causes great hardship to them? Convey allowan certain

(*b*) Are the Government considering the desirability of making provision for conveyance allowance to such jurors?

Answer by the Hon'ble Mr. Roy:—

"(*a*) Government are aware that the non-payment of an allowance to jurors attending court from distances less than five miles causes hardship in many cases.

(*b*) The consideration of this question has been postponed owing to lack of funds."

By the Hon'ble Babu Akhil Chandra Datta:—

5.

Is it a fact— The ca Surend Biswa eight

(*a*) that one Surendra Nath Biswas and eight others, connected with the Sibpur dacoity case, have been transferred from the Andamans to the Hyderabad Central Jail;

(*b*) that one of their difficulties is that they have to write letters to their relations in the English language, although the latter have no knowledge of English?

(*c*) Are the Government considering the desirability of extending the benefit of the Royal clemency to these nine prisoners?

(*d*) If they be not released, are the Government considering the desirability of transferring them to some jail in Bengal?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) Surendra Nath Biswas and eight others were sentenced to transportation for life in the Sibpur dacoity with murder case. Government have no information as to the place where they are at present confined or as to the difficulties alluded to.

(*c*) Government have considered their cases; it is not proposed to extend the Royal clemency to them.

(*d*) The transfer of these prisoners does not rest with the local Government and Government does not propose to move in the matter."

By the Hon'ble Babu Akhil Chandra Datta:—

6.

ıprovement leave rules.

Will the Government be pleased to state whether the Government of India's resolution No. 1514 C.S.R., dated Simla the 29th/30th December, 1919, regarding the improvement of leave rules which were published in the *Calcutta Gazette* of the 14th January, 1920, at pages 84-85, apply to officers other than gazetted officers?

Answer by the Hon'ble Mr. Marr:—

"Only the concessions mentioned in paragraph 1 (3) of the Resolution, other than furlough on average salary, are applicable to non-gazetted officers. Further modifications of the leave rules are now under the consideration of the Government of India."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

7.

ıvelling ›wance for nisterial cers.

(*a*) Is it a fact that ministerial officers on pay of Rs. 50—3—125 and drawing Rs. 80 a month are entitled under the rules of the Civil Service Regulations to second class travelling allowance while proceeding on duty from one place to another?

(*b*) Are there any rules under which a local Government can fix the travelling allowance of this class of officers at a lower rate than what is admissible under the rules of the Civil Service Regulations?

(*c*) Is it a fact that Secretariat assistants on pay of Rs. 50—3—125 are not allowed to draw second class travelling allowance when accompanying the Government to and from Darjeeling?

Answer by the Hon'ble Mr. Marr:—

"(*a*) No, not in all cases [*Vide* note 1 to Article 1002 of the Civil Service Regulations].

(*b*) No.

(*c*) No. They are paid travelling allowance at rates admissible to them on the pay actually drawn by each."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

8.

(*a*) Are the Government aware that the Port Commissioners' steamers plying between Barabazar Ghat and Sulkea, Bally, Utterpara and other places are overcrowded to the inconvenience of the passengers? Port Comm ferry

(*b*) If so, are the Government considering the desirability of asking the Port Commissioners to take necessary steps to remove these grievances and to arrange for more steamers to ply daily between Barabazar and the above-mentioned places?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) During the busier hours of the day, *i.e.*, in the early morning and the evening, some of the Port Commissioners' ferry steamers are very fully loaded.

(*b*) The Commissioners' total fleet consisted of 13 steamers. Of these two were requisitioned for service in Mesopotamia in 1917 and have not been returned. In their absence partial use has been made of the two Howrah Bridge steamers *Howrah*, and *Buckland*. In order permanently to replace the two steamers requisitioned, the Port Commissioners are now considering the purchase of two additional boats of a larger carrying capacity.

The Port Commissioners have recently undertaken to examine the requirements of the service."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

9.

(*a*) Are the Government aware that the Port Commissioners are realizing high rents from the tenants of the land known as Ramkristopur *char* land in Howrah, which causes these tenants great hardship? Rent Ramk char

(*b*) If so, are the Government considering the desirability of asking the Port Commissioners to give them relief in view of the high price of the necessaries of life and for other reasons?

(*c*) Is it a fact that a memorial was submitted to the Port Commissioners by the tenants of the Ramkristopur *char* land?

(*d*) If so, will the Government be pleased to state for what reasons their prayer was refused?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The rates of rent charged for the Port Commissioners' land known as Ramkristopur *char* land are not high in comparison with the demand.

(*b*) No.

(*c*) Yes.

(*d*) The revised rates were considered reasonable owing to the fact that one plot of land previously let out at Rs. 10 per cottah per month, when offered by public tender, obtained a bid of Rs. 26 per cottah per mensem, a rate considerably higher than any of the sanctioned rates."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

10.

Acquisition of land at Belur on the East Indian Railway.

(*a*) Is it a fact that land is being acquired at the instance of the Ea Indian Railway authorities for the accommodation of the railway servan at Belur?

(*b*) Is it a fact that one of the reasons for acquiring land is to make zone of safety for the benefit of railway servants and to keep it separate fro the houses of the residents of Belur, in the district of Howrah?

(*c*) Are the Government aware that the acquisition will de-house a larg number of Indians who have resided in the locality for many generations

(*d*) Are the Government considering the desirability of intervening i this matter and of stopping the acquisition of land at Belur, as notifie by the Bengal Government, Revenue Department Declaration No. 2441 L.A dated the 10th March, 1920?

(*e*) Have the Government considered any alternative proposal to acqui land to the west side of the railway line?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) The reasons for acquisition are set forth in Declaratio No. 3154 L.A., dated the 1st April, 1919, and No. 2441 L.A., dated th 6th March, 1920, published in the *Calcutta Gazettes*

(*c*) It is understood from certain petitions and representations receive from the public that this will be so.

(*d*) and (*e*) No The petitions and representations received have been fo warded to the Government of India, Railway Department, for consider tion, in view of the fact that the persons affected have already made dire representation to the Government of India, Railway Department, und whose authority the East Indian Railway management propose to acqui the land."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

11.

Headquarters station of a new subdivision in Mymensingh.

With regard to the selection of Dhanbari as the headquarters station c a new subdivision of the proposed western district of Mymensingh, will th Government be pleased to state—

(*i*) whether they examined the place from a sanitary point of view and

(*ii*) whether any sanitary officer has examined it?

Answer by the Hon'ble Mr. Stephenson:—

"There was no definite examination of the place by an officer of th Sanitary Department, though the question of its healthiness was considere in a general way."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

12.

(*a*) With regard to the reply given by the Hon'ble Mr. Kerr to a question put by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri at a meeting of this Council held on the 19th August, 1918, admitting that Dhanbari was malarious but that this defect was capable of remedy, are the Government aware that the said defect was mainly due to the proximity of a vast area of *qazari* forests and that it would be almost impossible to remove this defect except at an enormous and unjustifiable cost? Selection Dhanbar headqua a new subdivis

(*b*) Are the Government aware that Dhanbari has a natural defect in the supply of good drinking water and that the only river near it, which dries up during the winter season, is about two miles distant?

(*c*) Has the attention of Government been drawn to a series of objections published in the vernacular paper *Charu Mihir* of Mymensingh, dated the 27th Sravan, 2nd Bhadra and 9th Bhadra, 1326, against the selection of Dhanbari as the headquarters station of a new subdivision?

(*d*) Considering the natural defects of Dhanbari with regard to sanitation, drinking water and communication and the overwhelming popular feeling against it, are the Government considering the desirability of reconsidering their decision as to the selection of Dhanbari as the headquarters station of a new subdivision and of selecting either Pingna, Gopalpur, Bingulla or some other healthy place for the purpose?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) Government is informed that the forest in question is four miles distant from Dhanbari, and does not affect its healthiness or otherwise.

(*b*) With the exception of Pingna, which, being on the Jamuna, cannot be safely selected, it is reported that the position at Dhanbari as regards water supply is no worse than that at any other possible alternative as a subdivisional headquarters.

(*c*) No, but the whole scheme has already been before the public and all criticisms received thereon were duly considered. His Excellency, among others, personally inspected Dhanbari in August, 1917.

(*d*) The answer is in the negative."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

13.

(*a*) With regard to the Agricultural Institute established at Dacca, will the Government be pleased to state— Dacca Agricu Institu

(*i*) whether there is any governing body of the institute;

(*ii*) who are the members, if any, of the governing body; and

(*iii*) on what principle the selection of members of the governing body, if any, is being made?

(*b*) Is there any rule by which the representatives of the land-holding classes, who are vitally interested in the improvement of agriculture, are required to be selected as members of the governing body, and if there be no such rule, are the Government considering the desirability of making such a rule?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) and (*b*) The subject-matter of the Hon'ble Member's questions will be considered when the scheme to establish an Agricultural Institute at Dacca is further advanced."

By the Hon'ble Babu Bhabendra Chandra Ray:—

14.

Prisoners in *hât*-looting cases.

(*a*) Is it a fact that certain *hât*-looting cases were tried under the provisions of the Defence of India Act?

(*b*) If so, will the Government be pleased to state the number of persons who were convicted in the different districts on trial in these cases and are undergoing terms of imprisonment?

(*c*) Have they been given the benefit of the Royal amnesty? and

(*d*) If not, why not?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) Yes.

(*b*) In thirty-eight cases arising out of the looting of *hâts* and bazars in the districts of Noakhali, Chittagong, Rangpur, Dinajpur, 24-Parganas Khulna and Jessore, which were tried by special tribunals under the provisions of the Defence of India Act, 859 persons were convicted. Of these 93 persons were undergoing imprisonment on the 1st of July last.

(*c*) No, but previously as an act of clemency, 147 of them had been released in May, 1919.

(*d*) These men were convicted of offences against the ordinary law and are not covered by the directions contained in His Majesty's Proclamation. Those still in jail are those who were convicted of the more serious offences and sentenced to longer terms than the others."

By the Hon'ble Babu Bhabendra Chandra Ray:—

15.

Boalmari-Kushtia steamer service.

(*a*) Is it a fact that the Boalmari-Kushtia steamer service has been stopped?

(*b*) If so, when?

(*c*) Are there any immediate prospects of its revival?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) The service which is under the management of the Rivers Steam Navigation Company was stopped on the 20th April, 1918.

(*c*) Government are informed that there is no immediate prospect of its revival. The service was stopped owing to shortage of steamers of the class required for the service. The Company are still short of steamers of the required type, and the building of new steamers of the type will necessarily take time."

By the Hon'ble Babu Bhabendra Chandra Ray:—

16.

(*a*) Is there any steamer service between Choalia and Magura?

(*b*) If so, for how many months in the year is it available?

(*c*) What is the distance between Magura and Choalia?

Choalia-Ma steamer se

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Yes.

(*b*) About 4 months in the year for passengers, viz., July to October, and all the year round for cargo by a light draft barge hauled by hand between Choalia and Magura.

(*c*) Ten miles."

By the Hon'ble Babu Bhabendra Chandra Ray:—

17.

Is there any steamer service for carrying on traffic on the eastern and northern sides of the subdivision of Magura?

Steamer-se in the subd of Magura

Answer by the Hon'ble Mr. Cowley:—

"No."

By the Hon'ble Babu Bhabendra Chandra Ray:—

18.

(*a*) Has the attention of the Government been drawn to the reports of several cases of death and suicide from starvation or privation, that have recently appeared in the Press?

Reports of of death a suicide fro starvation privation.

(*b*) If so, will the Government be pleased to state whether every one of these reports is untrue?

(*c*) Will the Government be pleased to make a statement giving particulars of each of these reported cases, showing what inquiries were made in each case and with what result, and explaining the reason why no *communiqué* has so far been issued in regard thereto?

Answer by the Hon'ble Mr. Stephenson:—

"It is impossible to answer the Hon'ble Member's question unless he will particularise the actual reports to which he refers."

By the Hon'ble Babu Bhabendra Chandra Ray:—

19.

Creation of a post of Director of Information.

(*a*) Is it a fact that a new appointment has been created with the name of Director of Information?

(*b*) If so, what are the name, qualifications, experience and present and prospective emoluments of the present incumbent?

(*c*) (*i*) What are the circumstances necessitating the creation of this office?

(*ii*) Was this appointment provided for in the last budget?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) Yes.

(*b*) The present incumbent is Major R. D. Story, C.B.E. As regards his qualifications and experience, reference is invited to " Who's Who for 1920 " an extract from which is laid on the table. His salary is Rs. 2,000 per month.

(*c*) (*i*) It is hoped by this means to ensure greater publicity to the various activities of Government; to assist the public to obtain more easily information as to administrative facts, and to correct misapprehensions which are at present apt to be current.

(*ii*) No specific provision on this account was made in the budget for the current year."

Extract referred to in the Answer to Question No. 19 (Unstarred) asked at the Council meeting held at Dacca on the 4th August 1920.

EXTRACT FROM " WHO'S WHO—1920."

STORY, DOUGLAS.—Author and Journalist; Captain, 5th (Reserve Battalion) Middlesex Regiment; born in Edinburgh on 31st December 1872; eldest son of Dan. F. Story, J.P., Peeblesshire; educated at George Watson's College and University, Edinburgh; *Daily Mail* war correspondent with the Boers, South African War, 1899-1900; *Daily Express* war correspondent with the Russians, Russo-Japanese War, 1904-05; *New York Herald* special correspondent with the present King through Canada, 1901; *Tribune* special correspondent, Egypt, Siam, China, Japan, Russia and South Africa 1905-08; special correspondent for various syndicated newspapers—Russia Siberia and India; editor of various journals in London, New York, Johannesburg, and Hong Kong; Deputy Assistant Quartermaster-General Army Headquarters, India, 1916-18; Shipping Controller in India, 1918-19 Publications: Ten Miles from anywhere, 1895; The Drift of the Day, 1902 The Campaign with Kuropatkin, 1904; To-morrow in the East, 1907 Address—Office of the Shipping Controller, Ballard Road, Bombay. Telegraphic address—No. 4120, T. A. Depship.

By the Hon'ble Mr. Arun Chandra Singha:—

20.

Provincial educational service.

In view of the fact that the Public Services Commission have recommended the same incremental scale for the provincial executive and educational services, are the Government considering the desirability of adopting the same incremental scale in reorganising the provincial educational service as has been done in the case of the provincial executive service?

Answer by the Hon'ble Mr. O'Malley:—

"The matter is under consideration and Government are not at present in a position to make a statement."

By the Hon'ble Mr. Arun Chandra Singha:—

21.

In view of the fact that both in Bombay and in Rangoon the officers of the Provincial Services have been included in the Presidency house allowance scheme, are the Government considering the desirability of similarly including the officers in the Provincial Services at Calcutta in the local house allowance scheme?

Inclusion Provincial Service off in Calcutt the local allowance scheme

Answer by the Hon'ble Mr. Marr:—

"The answer is in the negative It is not understood that in Bombay and Rangoon the main scheme as such is applicable to Provincial Service officers, though certain of the latter draw local allowance."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

22.

Will the Government be pleased to state—

(*a*) whether any change is contemplated in the rules and method of recruitment to the Provincial Judicial Service, and if so, what are the changes and when they will be given effect to,

(*b*) whether the next batch of recruits will be taken under the new rules; and

(*c*) whether the age limit will be reduced in the recruitment for the said service under the new rules?

Recruitme the Provin Judicial Se

Answer by the Hon'ble Mr. Stephenson:—

"The matter is under consideration by the Government of India and the Secretary of State, whose orders have not yet been received."

By the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy:—

23.

Will the Government be pleased to state the number of sub-registrars in the Registration Department appointed since September, 1917, who fulfil the condition of having passed the higher standard of the final examination of the Arabic Department of a recognised Madrassa?

Arabic qualificati certain sub-registr

Answer by the Hon'ble Mr. McAlpin:—

"Three."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

24.

ie Sibpur llege.

(*a*) Is it a fact that the Government have sanctioned a Personal Assistant to the Principal, Bengal Engineering College, Sibpur?

(*b*) If so, will the Government be pleased to state—

(*i*) whether the new assistant is attached to the teaching or the electrical staff; and

(*ii*) what is the nature of his functions?

(*c*) Will the Government be pleased to state how many hours the Principal spends—

(*i*) on lectures to students, and

(*ii*) on practical training work?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The appointment has been sanctioned as an experimental measure for one year from 16th October, 1919.

(*b*) (*i*) The personal Assistant is a ministerial officer.

(*ii*) A statement is laid on the table.

(*c*) (*i*) and (*ii*) The Principal does not lecture. He spends about one hour daily on the supervision of practical training in the workshops; and in the cold weather he spends an hour or two on outdoor survey work at the college twice or thrice a week."

Statement referred to in answer to Question No. 24 (b) (ii) (unstarred) asked by the Hon'ble Babu BROJENDRA KISHOR RAY CHAUDHURI *at the meeting of 4th August, 1920, regarding the duties of the Personal Assistant to the Principal, Bengal Engineering College, Sibpur.*

The duties of the Personal Assistant are:—

(*a*) to take charge of the Principal's office during both the session and the vacation. During the vacation the workshops remain open and there is considerable correspondence and other work. The main items under this head are—

(*i*) to dispose of applications for rules, etc, and to put up other cases for the Principal's orders,

(*ii*) to maintain the college records of all students and prepare certificates and diplomas for signature,

(*iii*) to put up cases arising out of the proceedings of the various Boards of which the Principal is Secretary,

(*iv*) to engage and control the office menial establishment

(*v*) to be responsible for the distribution of duties amongst the office staff,

(*vi*) to be in charge of the college furniture and the internal cleanliness of the buildings,

(*vii*) to relieve the Principal of all duties in connection with the routine of periodical and annual college examinations and also those of outside bodies which are held at the College as a centre, such as the University, Joint Technical Examination Board, Pleaders' Survey

Examination Board, Public Works Department accountants, B Final Examination Board, and the sessional examination of the Mining Instructor in the coal-fields;

(*b*) to check the class and barrack attendance registers by comparing them with the leave and medical registers;

(*c*) to do work in connection with the organisation and maintenance of an employment bureau;

(*d*) to take charge of the accounts of the college, the workshops, the messes and the various Boards, so far as concerns—

(*i*) the daily check of entries in the cash book,

(*ii*) the transmission of money to the treasury,

(*iii*) the checking of contingent, establishment and scholarship bills for the Principal's signature,

(*iv*) other routine work.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

25.

(*a*) Will the Government be pleased to state

Enrolled officers Finance Department

(*i*) the principles on which nominations are made by them in regard to candidates appearing at the annual competitive examination for admission to the enrolled list of officers in the Finance Department, and

(*ii*) the procedure followed in making those nominations?

(*b*) (*i*) How many candidates were nominated by Government year by year since 1912 and how many of them were ultimately recruited as a result of the examination on each occasion, and

(*ii*) What was the total number of appointments made from all provinces each year during this period?

(*c*) (*i*) Is it a fact that some of the most distinguished graduates failed to secure nomination?

(*ii*) If so, will the Government be pleased to give a list of such graduates together with the reasons why they were not nominated?

(*d*) Is it a fact that in 1919, five first class M.A.'s and M.Sc.'s, who were among the applicants, were not nominated by Government, but that a few second class M.A.'s and B.A.'s were nominated in preference to them, and that some of those inferior nominees did not even sit for the examination?

(*e*) Is it also a fact that in 1920 some of the most meritorious candidates were similarly excluded?

(*f*) Is it a fact that as a result of such methods of selection of candidates some of the best graduates of Bengal are precluded from appearing at the examination, and Bengal is comparatively poorly represented numerically in the Finance Department?

(*g*) Will the Government be pleased to state—

(*i*) how many candidates the Government are authorized to nominate every year; and

(*ii*) how many are usually nominated by other local Governments every year?

Answer by the Hon'ble Mr. Marr:—

"(*a*) (*i*) The principle on which the nominations are made is as follows: High educational qualifications are a primary requirement. Physique, character, family connections and services rendered by the candidate's parents or family to the State are also taken into consideration. Adequate representation to each race or class has also to be kept in view.

(*ii*) An advisory selection committee composed of the Finance Secretary, the Director of Public Instruction, the Accountant-General, and two non-official members, deal with the applications in the first instance. They interview the candidates and submit their recommendations to Government. On of the nominations made by this Government, the Government of India select those who are permitted to sit for the examination.

(*b*) (*i*) The table below shows the number of candidates nominated by Government year by year since 1912:—

Year.	No. of candidates nominated.
1912	6
1913	6
1914	6
1915	6
1916	6
1917	9
1918	6
1919	6
1920	7

It is not known to this Government how many of the candidates nominated by them were ultimately recruited.

(*ii*) This information is not known to this Government.

(*c*) (*i*) Government are not aware of this.

(*ii*) See answer to (*c*) (*i*) above.

(*d*) In 1919 one Hindu, who stood first in the 2nd class M.A., and a Muhammadan B.Sc. with honours were nominated. All the others nominated were 1st class M.A.'s. All the nominees sat for the examination.

(*e*) In 1920 a Muhammadan B.Sc. with 1st class honours in Mathematics and the same Hindu 2nd class M.A., who was nominated in 1919, were nominated. All the others nominated were 1st class M.A.'s.

(*f*) No.

(*g*) (*i*) No absolute number has been fixed. Usually six to seven candidates are nominated every year. The table given above in answer to question (*b*) (*i*) may be seen in this connection.

(*ii*) Government are not aware of this."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

26.

Election of Chairman by the Dacca District Board.

(*a*) Are the Government aware that at the last election of the non-official Chairman of the Dacca District Board certain Government officials, viz., two Subdivisional Officers and a Joint-Registrar of Co-operative Societies, openly canvassed votes for some of the candidates?

(*b*) Will the Government be pleased to inquire whether one of the Subdivisional Officers mentioned to some of the members of the District Board

that they should have consulted their respective Subdivisional Officers before deciding as to which of the candidates they would support?

(*c*) Is it a fact that the said Subdivisional Officer told one of the members of the District Board that unless he voted for a certain candidate for whom he (the Subdivisional Officer) was canvassing, he would have little chance of getting himself re-elected to the District Board by the Local Board?

(*d*) Were these allegations made to the District Magistrate after the election of the non-official Chairman of the Dacca District Board was over? If so, with what result?

(*e*) Are the Government considering the desirability of issuing a circular letter prohibiting Government officials from canvassing in this manner at elections of non-official Chairmen and members of District Boards or of attempting, in any way, to influence the votes of members of the District Boards and Local Boards at such elections?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) The answer is in the negative

(*c*) and (*d*) The District Magistrate reports:

The election of the non-official Chairman on 22nd March, 1920, resulted in a substantial majority of seven votes for the present Chairman, the Hon'ble Babu Sarat Chandra Chakrabartty. Some time after, how long I do not remember, some person remarked in conversation to me that a Subdivisional Officer had been canvassing on behalf of the defeated candidate. I did not take this remark seriously, firstly because it was vague, and secondly because, if true, which I did not believe, it had clearly been of no effect. No action whatsoever was taken on this remark. No allegation had even been put in writing.

I have no reason to think that there was any official canvassing, and as a matter of fact the votes of officials were divided between the candidates."

(*e*) A copy of a circular on the subject is laid on the table."

Circular referred to by the Hon'ble MR. O'MALLEY *in answer to question No. 26 (unstarred) (e) asked by the Hon'ble* BABU BROJENDRA KISHOR RAY CHAUDHURI *at the Council meeting of 4th August, 1920.*

Cir. Nos. 46-50 L.S.-G., dated Dacca, the 16th July, 1920.

From—THE HON'BLE MR. L. S. S. O'MALLEY, C.I.E., I.C.S., Secretary to the Government of Bengal, Municipal (Local Self-Government) Department.

To—All Commissioners of Divisions.

I am directed to invite attention to rule 23 of the Government Servants' Conduct Rules, which states, *inter alia*, that whole time Government servants may record votes, if qualified to do so, at elections to District and Local Boards, but should as far as possible avoid giving any indication of the direction in which they intend to vote. It is also laid down that they may not, by canvassing or otherwise, interfere or use their influence in any way in elections to District and Local Boards unless they are themselves candidates who are legally eligible and have obtained from proper authority such permission (if any) as is required to enable them to stand for election.

2. The Governor in Council is of opinion that the same principle of non-intervention should be observed by whole time Government servants who are members of District Boards in regard to the elections of non-official Chairmen by those bodies. While, therefore, they may record their votes at those elections, they should, as far as possible, avoid giving beforehand any indication of the direction in which they intend to vote; and they should not interfere or use their influence, by canvassing or otherwise, in an election of a non-official Chairman.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

27.

Drafting of Ordinances and Regulations for Dacca University.

(*a*) Is it a fact that Ordinances and Regulations for the Dacca University have already been drafted and that two European officers of the Indian educational service were specially deputed to do the work during the last vacation, and if so, who were those officers and what were their special qualifications for the work?

(*b*) Will the Government be pleased to state—

(*i*) whether any teacher of history, Sanskrit, Arabic, mathematics physics, chemistry, law or teaching was among the officers so appointed; and

(*ii*) why no Indian educationist was appointed to do the work?

(*c*) Will the Government be pleased to publish the draft Regulation and Ordinances, if they have been drawn up, for criticism by the public and competent authorities, before they are placed before the Vice Chancellor?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Provisional Ordinances and Regulations have been drafted by Mr. Turner, Principal of the Dacca College, and Mr. Langley, Professor of Philosophy in the same college, in consultation with the staff of the Dacca College, and with Mr Stapleton, special officer in connection with the Dacca University. Messrs Turner and Langley gave up their vacation in order to do this work and received no remuneration for it

(*b*) (*i*) The answer is in the negative.

(*ii*) The work was entrusted to Messrs Turner and Langley as they were considered suitable for the purpose No question of nationality is involved

(*c*) No When the draft is received by Government it is proposed to lay it before the Vice-Chancellor and it will be for him to decide what action shall be taken on it"

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

28.

Appointments under Dacca University.

(*a*) Is it a fact that applications are being received for certain appointments under the Dacca University and nominations have been made for some posts, and if so, who is receiving the applications and making the nominations?

(*b*) Are the Government considering the desirability of issuing a public invitation for such applications?

(*c*) Will the Government be pleased to state—

(*i*) whether it is in contemplation to make the appointments before the arrival of the Vice-Chancellor; and

(*iii*) if so, whether such action will tie the hands of the Vice-Chancellor?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Some applications for the post of Registrar have been received by Government, and a number of applications for other posts by the Special Officer in connection with the Dacca University. No nominations have been made.

(*b*) and (*c*) Section 50 of the Dacca University Act provides that at any time after the passing of the Act and until such time as the authorities of the University shall have been duly constituted—

(*a*) the treasurer may be appointed by the Governor of Bengal;

(*b*) any other officers of the University may be appointed by the Vice-Chancellor with the previous sanction of the Government of Bengal;

(*c*) teachers of the University shall be appointed by the Governor of Bengal after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, Director of Public Instruction, Bengal, and such other person or persons, if any, as the Governor of Bengal thinks fit to associate with them.

His Excellency the Governor has written to the Secretary of State for India suggesting that the Secretary of State should appoint a committee in London to advertise a certain number of professorships and readerships to interview likely candidates and to report to His Excellency the names and qualifications of any candidates likely to accept appointments. It is also proposed to ascertain what candidates can be obtained in India by advertising all the professorships and readerships required for the University (including those about which His Excellency has addressed the Secretary of State), and to send a list of them to each Vice-Chancellor and Director of Public Instruction in India, so that information may be obtained of all possible candidates. Further each member of the staff of the Dacca and Jagannath Colleges will be addressed and asked whether he wishes to be considered an applicant for any particular post, and a similar letter will be sent to each member of the Indian Educational Service and Provincial Educational Service who holds substantively a collegiate post. The papers relating to all candidates for teaching appointments will be laid before the advisory committee referred to in section 50 of the Act, and the appointments will be made by His Excellency after considering its recommendations."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

29.

(*a*) Will the Government be pleased to state what progress has been made in the matter of the proposed committee of experts to consider the question of the Dacca-Aricha Railway and connected matters? Dacca-Railway.

(*b*) Are the Government considering the desirability of adding some non-official Indian members to this committee, such as the Chairman of the Dacca District Board?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The Railway Board hope that a suitable engineer officer will be available about the beginning of November next to work on the proposed committee of inquiry.

(*b*) At the instance of the Dacca Peoples' Association the Railway Board have agreed that both the association and the district board should be represented on the committee. Each of the bodies have been asked to nominate a representative."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

30.

Subordinate educational service.

Will the Government be pleased to state—

(*a*) how many officers in the first four classes of the subordinate educational service will attain the age of 55 in the course of the next five years;

(*b*) what is the number of officers in class V of the subordinate educational service; and

(*c*) how long an officer would ordinarily take to pass through class V of the subordinate educational service under the present conditions of the service?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) There are 36 such officers.

(*b*) 181 officers.

(*c*) On an average an officer remains 6 or 7 years in class V."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

31.

Promotion of Maulvi Shamsuddin.

Will the Government be pleased to state—

(*a*) on what principle Maulvi Shamsuddin, assistant maulvi of the Dacca Madrassa was promoted from class VI of the subordinate educational service to class III against a vacancy in class II over the heads of so many officers;

(*b*) in what way were his claims to promotion superior to those of the officers he has superseded;

(*c*) whether any of the officers he has superseded was recommended for special promotion; and

(*d*) on what grounds was he appointed in class III instead of in class II where the vacancy occurred.

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) A vacancy occurred in class II, subordinate educational service, consequent upon the retirement of Maulana Nazir Hossain. The vacancy was advertised, and Maulvi Shamsuddin was the most suitable applicant. The initial pay of the post has been fixed at Rs 150 in class III, and the successful candidate on appointment was given this rate of pay.

(*b*) and (*c*) No answer is necessary in view of the answer to (*a*).

(*d*) The reasons for the appointment in class III have been given above, and it will be seen that there could be no justification for appointing him to class II."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

32.

Is it a fact—

(*a*) that there are many deserving officers, particularly in class V of the subordinate educational service, who have not been promoted in the recent general promotion in that service under the secondary education scheme; From officers subordinate educational

(*b*) that Government high school teachers who are in the subordinate educational service get no preference in the matter of promotion in the grade;

(*c*) that a large portion of the sum spent on the secondary education scheme was earmarked by Government for the improvement of the Government high schools only;

(*d*) that a number of officers in class V of the subordinate educational service received promotion under the secondary education scheme after remaining in the same grade for more than 7 years; and

(*e*) that they should have received earlier promotion in the usual course?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The answer is in the affirmative. Officers who entered that grade in November, 1917, or at a subsequent date, did not receive promotion to class IV.

(*b*) and (*c*) The answer is in the affirmative.

(*d*) When the scheme was given effect to, 9 officers received promotion who had remained in class V for over 7 years.

(*e*) The answer is in the negative."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

33.

(*1*) Will the Government be pleased to state— Vacancies in cadres of munsiffs and sub-

(*a*) whether officiating munsiffs, first appointed more than 4 years ago, are still awaiting confirmation, though, as a matter of fact, there are unfilled vacancies in the cadre of munsiffs from November, 1919;

(*b*) whether vacancies in the cadre of sub-judges have not been filled up, though there have been such vacancies from 1st January 1920;

(*c*) to what this great delay in filling up vacancies is due; and

(*d*) when such vacancies are expected to be filled up?

(*2*) Are the Government considering the desirability of issuing definite rules for filling up vacancies as early as possible?

Answer by the Hon'ble Mr. Roy:—

"(*1*) (*a*) Yes

(*b*) Yes.

(*c*) Vacancies which have occurred since January, 1920, have not been filled up pending a decision on the proposal to introduce a time scale of pay in the provincial judicial service.

(*d*) As soon as this decision is arrived at.

(*e*) Government do not consider it necessary to do so."

By the Hon'ble Babu Bhabendra Chandra Ray:—

34.

Transport of personal effects of 2nd class provincial service officers.

(*a*) Are the Government aware that the free transport of 20 maunds of personal effects allowed to provincial service officers (second class) at goods rate on transfer is quite inadequate in the case of judicial and executive officers?

(*b*) Will the Government be pleased—

(*i*) to consider the desirability of raising the quantity to 40 maunds and of allowing luggage rate for one-fourth of the same;

(*ii*) to make provision for paying the cost of goods transport in the case of road journeys as in the case of river journeys;

(*iii*) in view of article 1020, Civil Service Regulations, and the Government of India's letter No. 1706, dated the 12th September, 1919, to change the travelling allowance class of the aforesaid officers from second to first, in the case of steamer journeys, inasmuch as the second class accommodation in inland steamers in Bengal is bad and uncomfortable and in some respects more inconvenient than third class accommodation; and

(*iv*) to exercise the enlarged powers conferred on them by the Government of India's letter No. 1706, dated the 12th September, 1919, and increase the mileage and halting allowance for the road journey, respectively, to 8 annas a mile and Rs. 6 a day, in view of the increased cost of locomotion?

Answer by the Hon'ble Mr. Marr:—

"(*a*) Second class officers on transfer, travelling with their families, are allowed 30 maunds; those travelling without their families are allowed 20 maunds. Government are not prepared to admit that these rates are inadequate.

(*b*) (*i*) and (*iii*) The rules regulating the grant of travelling allowance on transfer have very recently been substantially improved, and under these provisions an officer of the second class may be allowed free transport of personal effects by goods train steamer, or other craft or by road, up to a maximum of 30 maunds if the officer is accompanied by his family, and 20 maunds if travelling alone, as explained above. In regard to journeys by road, a rate will be fixed by the local Government on the basis of average cost for conveying a maund of goods by the cheapest method of conveyance.

(*iii*) The Hon'ble Member's attention is drawn to the answer given to a similar question No. 11 (*d*) asked by himself at the Council's meeting of the 7th April, 1920. The general question has been further examined, and this Government are at present awaiting the result of a reference to the Government of India on a question of ruling relative to the subject.

(*iv*) No such proposal is at present under the consideration of Government."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

35.

(*a*) Is it in the contemplation of the Government to re-open the question of the location of the headquarters of the Government at Dacca for two months in the year?

Locat Gove headqua Dacca months year.

(*b*) Is it a fact—

(*i*) that the question was decided after full discussion in the House of Commons in 1912; and

(*ii*) that most solemn assurances in the matter were given by both the then Secretary of State for India and the Under-Secretary of State, with the approval of Parliament?

(*c*) Do Government propose to lay the matter before the Secretary of State before effecting any change in the present arrangement?

Answer by the Hon'ble Mr. Stephenson:—

"The Hon'ble Member is referred to the answer given to starred question No. VI."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

36.

Is it a fact—

(*a*) (*i*) that Government intend sanctioning allowances to certain classes of Government officers on account of the rise in the price of necessaries of life;

Allow Govern cers o high pri

(*ii*) if so, do the Government propose including the officers of the subordinate educational service therein;

(*b*) (*i*) that only ministerial officers of the subordinate educational service will be given this allowance; and

(*ii*) if so, will the Government be pleased to state the reason for debarring other officers of the same service from the boon?

Answer by the Hon'ble Mr. Marr:—

"(*a*) (*i*) The Government of India have been addressed in the matter.

(*ii*) No.

(*b*) (*i*) Yes.

(*ii*) The proposed allowance is intended only for ministerial officers."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

37.

(*a*) Will the Government be pleased to lay on the table the reports on the survey of the hookworm investigation which has been entrusted to three special officers on hookworm duty?

Hook vestiga

(*b*) What is the total expenditure incurred up to 31st March, 1920, on such investigation?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Copies of the reports received up to April, 1920, are laid on the library table.

(*b*) Rs. 72,665."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

38.

Board for secondary and intermediate education for Bengal

Will the Government be pleased to state—

(*a*) when the board for secondary and intermediate education for Bengal is expected to come into existence;

(*b*) whether it is going to be in working order before July, 1921, when the Dacca University will be started;

(*c*) what arrangements are proposed to be made for the control of intermediate colleges and matriculation schools in the University area and the final examination of students of those institutions, having regard to the fact that they will be disaffiliated from the Calcutta University as soon as the Dacca University Act is enforced?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) (*b*) and (*c*) Government do not contemplate the creation at present of a board of secondary and intermediate education for Bengal, but they have under consideration proposals for the establishment of a board for the supervision of secondary and intermediate education in Dacca."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

39.

Government of India's grant for 9 lakhs and pay and prospects of teachers.

Is it a fact—

(*a*) that on account of the delay in forming a scheme for disbursing the Government of India's grant of 9 lakhs of rupees made in 1916, the pay and prospects of a large number of teachers have been seriously prejudiced by the appointment of lecturers, demonstrators and other officers in newly-created posts in the higher grades as well as in grade vacancies during the period between April, 1916, and September, 1919;

(*b*) that during the incumbency of former Directors of Public Instruction, officers were sometimes transferred, by way of punishment, from the subordinate educational service to outside grades on the same pay; and

(*c*) that posts in the graded subordinate educational-service were generally looked upon as superior to posts in outside grades carrying the same pay?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The answer is in the affirmative.

(*b*) There are no records available to show that punishments of this kind were ever inflicted on officers

(*c*) This was the case when graded officers were treated as being on a different footing from ungraded officers, for the purpose of promotion."

By the Hon'ble Babu Bhabendra Chandra Ray:—

40.

Will the Government be pleased to make a statement, showing month by month, since January last, the number of cases of suicide in each subdivision of the district of Faridpur?

Cases suicide subdivisi Faridpur

Answer by the Hon'ble Mr. Stephenson:—

"A statement is laid on the table."

Statement referred to by the Hon'ble MR. STEPHENSON *in answer to Question No. 40 (Unstarred) asked by the Hon'ble* BABU BHABENDRA CHANDRA RAY *at the Council meeting of the 4th August, 1920, showing the number of suicide cases reported in each subdivision of the Faridpur district from January to June, 1920.*

	Sadar Subdivision	Rajbari Subdivision.	Gopalganj Subdivision.	Madaripur Subdivision
January	2	4	4	1
February	5	6	4	3
March	3	5	5	4
April	3	2	8	8
May	9	5	14	5
June	6	6	9	6
Total ...	28	28	44	27

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

41.

(*a*) Will the Government be pleased to state what provision has been made for starting vocational classes in the intermediate colleges as recommended by the University Commission?

(*b*) If no arrangement for vocational classes has been made, are the Government considering the desirability of providing them?

Voca classes i mediate c

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) Proposals have been made by the Director of Public Instruction for vocational courses in three intermediate colleges. His proposals are under the consideration of Government."

By the Hon'ble Babu Akhil Chandra Datta:—

42.

Number of certain appeals and revision cases.

Will the Government be pleased to lay on the table a statement showing the number of appeals and revision cases in which the Board of Revenue has interfered with the order passed by the Divisional Commissioners during the last five years?

Answer by the Hon'ble Mr. McAlpin:—

"A statement is laid on the table."

Statement referred to by the Hon'ble MR. MCALPIN *in answer to Question No. 42 (Unstarred) asked by the Hon'ble* BABU AKHIL CHANDRA DATTA *at the Council meeting of the 4th August, 1920, showing the number of appeals and revision cases in which the Board of Revenue has interfered with the order passed by the Divisional Commissioners during the years 1915 to 1919.*

YEAR.				Number of appeals.	Number of revision cases
1915	...	...	...	3	5
1916	...	...	...	8	17
1917	...	...	...	5	7
1918	...	...	...	3	13
1919	...	...	...	5	3

By the Hon'ble Babu Akhil Chandra Datta:—

43.

Number of Ministers in Bengal.

Will the Government be pleased to state what decision, if any, has been arrived at regarding the number of Ministers to be appointed in Bengal under the Reforms Scheme?

Answer by the Hon'ble Mr. Stephenson:—

"The question of the number of Ministers to be appointed in Bengal has not yet been finally decided."

By the Hon'ble Babu Akhil Chandra Datta:—

44.

Residential houses for officials in Calcutta.

(*a*) Is it in the contemplation of Government to obtain sanction from the Government of India for a very large amount of money for the construction of residential houses for officials in Calcutta?

(*b*) Have the Government addressed any letter to the Government of India on the subject?

(*c*) If so, will the Government be pleased to lay it on the table?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) A project, estimated roughly to cost Rs. 25½ lakhs, to provide residential quarters in flats for Government officers whose headquarters are located in Calcutta, has been submitted to the Government of India for the administrative sanction of the Secretary of State. These residential buildings will be located on a portion of the vacant area lying to the west of Russa Road, North, and to the south of Circular Road. Proposals for utilising the remainder of the land are still under consideration.

(*b*) Yes.

(*c*) A copy of the letter to the Government of India relating to the residential flats is laid on the library table."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

45.

Will the Government be pleased to lay on the table a statement showing the names and emoluments of— Officer dual post

(*i*) officers holding dual posts under the Provincial and the Imperial Governments; and

(*ii*) officers holding more than one responsible appointment in separate departments?

Answer by the Hon'ble Mr. Stephenson:—

"The statement asked for is laid on the library table."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

46.

Will the Government be pleased to state when the Vice-Chancellor of the Dacca University is expected to join his post? Vice-C of the Univers

Answer by the Hon'ble Mr. O'Malley:—

"About November, 1920."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

47.

Will the Government be pleased to state what progress has been made with regard to the formation of— Forn certain in with I versity

(*a*) a medical faculty;

(*b*) an agricultural faculty; and

(*c*) a department of Sanskrit studies, in connection with the Dacca University?

Answer by the Hon'ble Mr. O'Malley:—

"The Hon'ble Member is referred to the reply given to unstarred question No. 41 at the meeting of the Legislative Council held on 1st July, 1920. That reply related to the faculties of medicine and agriculture, but is also applicable to the department of Sanskrit studies."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

48.

Reclamation of the swamps in Sainthia police-station in Pabna.

Will the Government be pleased to state what steps have been taken to reclaim the swamps comprising about 50 villages situated within the jurisdiction of the Sainthia police-station of the Pabna district?

Answer by the Hon'ble Mr. Cowley:—

"The necessity for the reclamation of these particular swamps has not hitherto, so far as can be ascertained, been brought to the notice of Government. No action has been taken for their reclamation."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

49.

Promotion of officers in lower subordinate educational service and outside grade service.

Is it a fact—

(*a*) that there are no definite orders and rules of Government to control the awarding of promotions to officers in the lower subordinate educational service and the outside grade service;

(*b*) that the prospects of more than two thousand officers of the above services, unlike those of the other two higher services in the Education Department, are shaped and controlled by the officers in charge?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The principles laid down in paragraph 8 of General Department resolution No. 1281, dated the 30th March, 1897, on the reorganisation of the subordinate educational service, are followed in awarding promotions to officers in the lower subordinate educational service and outside the grades. A copy of paragraph 8 of the resolution referred to is laid on the table.

(*b*) In these circumstances, the question does not arise."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

50.

Theft of fruits and other edibles during transit by rail and steamers.

(*a*) Are the Government aware that thefts are often being committed of fruits and other edible articles during transit from one place to another in the Eastern Bengal, East Indian and Assam-Bengal Railways and also on inland steamers?

(*b*) If so, are the Government considering the desirability of asking the railway and steamer companies to adopt stringent measures with a view to insuring the safe carriage and delivery of such articles?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The local Government has no information on this subject, which concerns the internal administration of the railways and steamer services.

(*b*) No. The subject is not one in which the Government of Bengal feel called on to interfere."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

51.

(*1*) Will the Government be pleased to state— Bogra J

(*a*) the number of deaths each year in the Bogra Jail from January 1910 to April 1920;

(*b*) the number of convicts and under-trial prisoners released in a moribund condition during the same period;

(*c*) (*i*) when and during whose incumbency as Superintendent of the Bogra Jail high mortality took place;

(*ii*) was any special notice taken of the same by the Superintendent;

(*iii*) was it brought to the notice of the higher authorities; and

(*iv*) if so, when and with what results?

(*d*) whether a non-official visitor of the Bogra Jail noticed certain irregularities in the jail administration and noted them in the visitors' books during the current year;

(*e*) whether in consequence of such entry the Jail Superintendent made personal reflections against the non-official visitor, and also remarked that a non-official visitor had no jurisdiction to make remarks in the visitors' book regarding the irregularities in the jail;

(*f*) (*i*) whether the attention of the Inspector-General of Prisons was drawn to the above facts; and

(*ii*) if so, what were his findings?

(*2*) Will the Government be pleased to lay on the table—

(*a*) the remarks of the non-official visitor referred to in clause (*d*) above;

(*b*) the counter remarks of the Jail Superintendent, and

(*c*) the findings of the Inspector-General of Prisons, if any?

(*3*) (*a*) Is it a fact that the non-official visitor petitioned the Government regarding the remarks of the Superintendent against him?

(*b*) If so, what were his grievances and how were they dealt with by Government?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) and (*b*) The figures are given below:—

YEAR.	Number of deaths.
1910	1
1911	2
1912	1
1913	2
1914	1
1915	5
1916	2
1917	3
1918	10
1919	14
1920 up to April	3

YEAR	Number of prisoners released in a dying condition.
1910 to 1917	Nil
1918	2
1919	7
1920 up to April	Nil

(*c*) (*i*), (*ii*), (*iii*) and (*iv*) The mortality rose in the years 1918 and 1919, when the Civil Assistant Surgeon, Dr. Lalit Mohan Roy, was in charge of the jail. The mortality was due to successive outbreaks of influenza, which were aggravated by the overcrowded condition of the jail. The Superintendent of the jail took all measures that were possible and gave extra diet to keep the prisoners in a healthy condition. He submitted reports to his official superiors and in consequence an extra undertrial ward was erected to relieve the overcrowding.

(*d*) Yes.

(*e*) Yes.

(*f*) The Inspector-General of Prisons, in the course of his inspection, inquired into these facts and found that the non-official visitor was justified in his remarks and censured the Superintendent of the jail.

(*2*) The remarks and counter-remarks were recorded in the jail inspection book, the entries in which are for the use of the jail authorities and are not intended for publication. Government do not, therefore, propose to lay extracts on the table.

(*3*) (*a*) Yes.

(*b*) As the non-official visitor was appointed by the Commissioner his petition was sent to the Commissioner for disposal. As stated above, the Inspector-General of Prisons inquired into the facts and passed orders. The officer concerned was transferred from the jail charge."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

52.

Deterioration of rivers and *khals* in the Dacca and Mymensingh districts.

(*a*) Are the Government aware that the rivers and *khals* in the districts of Dacca and Mymensingh are fast deteriorating and thereby causing inconvenience and hardship to the public in the matter of sanitation, agriculture, internal trade and communication?

(*b*) Having regard to the necessity of keeping the rivers and *khals* in the districts of Dacca and Mymensingh navigable throughout the year, are the Government considering the desirability of establishing a waterways division at Dacca with an expert river engineer at its head?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Government are aware that, owing to natural causes, navigation facilities in the districts of Dacca and Mymensingh have been impaired. Government is, however, advised that this state of affairs is not of recent growth. Inconvenience in such areas in the matter of sanitation, agriculture, internal trade and communications naturally follow any changes for the worse in the condition of rivers and *khals*, but such changes as have occurred have been very gradual.

(*b*) The Hon'ble Member is referred to the answer given to his unstarred question No. 36 at the meeting of this Council on the 1st July, 1920, and to the answer given to unstarred question No. 28, asked by the Hon'ble Rai Sri Nath Ray Bahadur at the meeting of this Council of the 12th August, 1919. It is the intention of Government to establish a division of the Irrigation branch of the Public Works Department at Dacca as soon as circumstances permit."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

53.

(*a*) Are the Government aware that owing to an unusual rush, a passenger was on the 13th June last crushed to death in one of the ferry steamers that ply daily between Burra Bazar Ghat and Shibtola? Overcrowding on steamers.

(*b*) Will the Government be pleased to lay on the table a statement showing—

(*i*) the number of passengers each ferry steamer is licensed to carry, and

(*ii*) the number actually carried in each trip from Burra Bazar to Shibtola between 4 P.M. and 7 P.M. during the first week of June?

(*c*) Are the Government aware that the number of passengers who travel in these ferry steamers, especially in the afternoon, greatly exceeds the limit allowed in the license?

(*d*) Will the Government be pleased to state what supervision is exercised by the authorities at the jetties on the occasion of the landing and boarding of passengers?

(*e*) Are the Government aware that the rush at the time of getting into and out of ferry steamers is so great that accidents have occurred and the supervision of the police is not satisfactory?

(*f*) Will the Government be pleased to state what steps they are taking to minimise chances of accidents and to prevent overcrowding?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) No passenger has been crushed to death at any time on any of the Port Commissioners' ferry steamers. On the 13th June a Madrassi passenger came on board at Burra Bazar during the afternoon, was taken ill and put on shore in a dying condition at Kuti Ghat, where he soon afterwards expired. The police report shows that the death was due to sunstroke.

(*b*) (*i*) The four larger steamers running are licensed to carry 300 passengers each and the four smaller ones 265 each.

(*ii*) The number of passengers carried on each trip between Burra Bazar and Shibtola between the hours named during the first week of June is approximately as follows:—

P.M		1st June 1920.	2nd June 1920.	3rd June 1920.	4th June 1920.	5th June 1920.	6th June 1920.	7th June 1920
4-45	...	53	48	55	41	58	114	44
5-40	...	45	34	53	48	47	104	58
6-55	...	57	45	44	54	36	84	63
7-15	...	32	48	41	31	33	114	42
		187	175	193	174	174	416	207

The figures do not include the number of passengers who get off at intermediate stations, details of which cannot be given.

(*c*) The number of passengers carried during the busy hours approximates closely to the number which the boats are licensed to carry. During other hours of the day the number is appreciably less.

(*d*) The traffic is controlled by ghat serangs and River Police, but the freedom of passengers is not restricted more than is absolutely necessary.

(*e*) During the busy hours of the day there is some congestion at certain ghats, but accidents are of rare occurrence. Interference by the police is not often required.

(*f*) The existing arrangements are considered sufficient."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

54.

Pay of district kanungos.

Will the Government be pleased to state—

(*a*) whether they are considering the desirability of taking steps to increase the pay of district kanungos as was done in the case of the sub-deputy collectors; and

(*b*) whether they have received any memorial from the district kanungos of Bengal?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) The pay of kanungos was substantially increased in the year 1914. The district kanungo service, which formerly consisted of two grades, viz., Rs 50 and Rs. 75, was reorganised in that year; and a time scale of pay of Rs. 60 per mensem, rising to Rs. 120 per mensem by quadrennial increments of Rs. 10, was introduced. Moreover, kanungos were formerly allowed to draw travelling allowance only when the distance travelled exceeded 15 miles a day. Since 1913 they have been allowed travelling allowance under the ordinary rules of the Civil Service Regulations. Consequently it is unlikely that any further concessions will be granted to these officers

(*b*) Two memorials have lately been received from the district kanungos of Rajshahi and Pabna. They are under examination."

By the Hon'ble Babu Akhil Chandra Datta:—

55.

Is it a fact—

Mem of Rev Honora man, Port Tr

(*a*) that the Member of the Board of Revenue is also the Honorary Chairman of the Calcutta Port Trust;

(*b*) that it has now been proposed to appoint a wholetime paid Chairman for the Trust;

(*c*) that the work of the Member of the Board of Revenue will be considerably reduced—

(*i*) on account of the proposed appointment of a wholetime Chairman of the Trust; and

(*ii*) on account of the appointment of Ministers under the Reform Scheme?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) Yes.

(*b*) Yes.

(*c*) (*i*) No. The work now done by the Member of the Board of Revenue will be reduced to some extent when he is relieved of the Chairmanship of the Port Trust, but he will thereby be freed to devote a more adequate amount of time to touring and inspection of Government and Court of Wards' estates.

(*ii*) No."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

56.

Gover Daripin

(*a*) Will the Government be pleased to state whether in the Government Daripin estate No. 1349, Kidderpore, in the under-noted holdings amongst others the increase in the present rent as noted below has been demanded and also in some cases amongst others realised:—

Government Daripin Estate No. 1349, Kidderpore.

Holding No.	Present rent. Rs. A. P.	Enhanced rent demanded Rs. A. P.
1	5 10 0	116 8 0
5	13 8 6	200 0 0
14	16 8 6	186 6 3
29	1 4 8	47 3 6
30	1 4 8	62 4 7

Holding No.	Present rent. Rs. A. P.	Enhanced rent realised Rs. A. P.
10	15 15 0	150 2 9
19	2 10 9	20 13 4
22	14 6 0	124 12 6

(*b*) Is it a fact that back rent has been recovered at the enhanced rate from the date of determination of the tenancy, *i.e.*, for the last 10 or 12 years?

(*c*) Is it a fact that ejectment suits have been instituted against a large number of tenants, who are mostly old tenants of over 60 years' standing, from generation to generation, and who have most valuable buildings thereon?

(*d*) (*i*) Is the Calcutta Rent Act applicable to such cases?

(*ii*) If not, will the Government be pleased to state on what grounds they were excluded from the operation of the said Act?

(*e*) Having regard to the spirit and object of the Rent Act to protect the tenants from an exhorbitant increase of rent, and having regard to the fact that in most cases the enhancement has been from over 500 to over 2,000 per cent., are the Government considering the desirability of investigating the question of enhancement of rents in Government Daripin estates, with a view to redress the grievances of the tenants?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) Yes, save that in the case of holding No. 1, the enhanced rent demanded is Rs. 166-10-4 and not Rs. 116-8; in the case of holding No. 30, the rent demanded is Rs. 62-4-8 and not Rs. 62-4-7; and in the case of holding No. 22 the rent demanded is Rs. 124-12-8 and not Rs. 124-12-6, which rent is the rent for holdings Nos. 22 and 23 and not for holding No. 22 only. The present rent of holding No. 23 is Rs. 26-14.

(*b*) Yes. No rent has been recovered from the tenants since the issue of a notice dated the 11th *Aswin*, 1314 (B.S.), determining their tenancies, as the acceptance of rent would constitute waiver of the notice. Consequently when a settlement is reached the back rent is recovered.

(*c*) Yes, 20 suits in all have been instituted since 1911, viz., 8 in 1911 and 12 in 1915. Of the 8 suits of 1911, 7 have been compromised and a decree has been obtained in the other case. The remaining cases are pending. One more suit remains to be instituted. None of the tenants have paid rents since the end of 1314.

(*d*) (*i*) No.

(*ii*) The Calcutta Rent Act does not apply to ground rents such as these. That Act applies to rents of ' premises.'

(*e*) No. The last settlement of rent expired on the 31st March, 1891, and the present state of affairs has been brought about by the refusal of the tenants to consent since that time to the payment of enhanced rent. One of the terms on which Government has settled cases in the past has been the fixing of the rent at the rate of 2½ per cent. on the present value of the land for 30 years' leases. Such a demand is much below that realised by the owners of adjoining properties, and Government is satisfied that the tenants of Daripin have no real grievances to redress."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

57.

Dacca Agricultural Farm.

Will the Governmnet be pleased to state—

(*a*) what experimental works have been done in the Dacca Agricultural Farm during the last three years and with what results;

(*b*) whether there is any rule for making practical demonstrations to the cultivators of the results of any research made in the Dacca Agricultural Farm; and

(*c*) whether it is possible to make demonstration of agricultural improvements to the cultivators by arranging for periodical visits into the interior by officers of the Agricultural Department?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) The Hon'ble Member is referred to the following annual reports of the Bengal Agricultural Department which contain an account of the

experimental work done at the Dacca Agricultural Farm during the last three years and of the results thereof:—

(*1*) Annual Reports of expert officers for the year ending 30th June, 1917;

(*2*) (*i*) Report of the Agricultural Department, Bengal, for the year 1917-18;

(*ii*) Annual Reports of the expert officers for the year 1917-18;

(*3*) Report of the operations of the Department of Agriculture for the year 1918-19.

(*b*) and (*c*) It is the general policy, and in fact the main object of the Agricultural Department, to demonstrate to cultivators the result of research work at the central research stations. The methods by which this object is attainable will be found described in Government resolution No. 631 T.R., dated the 7th June, 1919, which was published in the *Calcutta Gazette* of the 11th idem and of which a copy is laid on the table. They may be briefly summarised as follows:—

(*1*) the establishment of a demonstration and seed farm in each district for the dual purpose of adjusting the results of scientific investigation at the Dacca and Chinsura Agricultural Farms to local conditions and of taking up the study of purely local problems;

(*2*) the establishment of seed-stores for the sale of improved agricultural appliances, improved seeds, fertilisers or insecticides, etc.;

(*3*) the formation of agricultural associations of practical agriculturists for small areas for the purposes of testing and adjudicating on improvements suggested by the Agricultural Department, of discussing their successes and failures with each other and of bringing to the notice of the officers of that Department their needs and wishes; and

(*4*) the advertisement or demonstration locally of the results obtained at the Dacca and Chinsura Agricultural Farms or at the district demonstration and seed farms, and the assistance, by advice, of small agricultural associations through the medium of demonstrators. Each demonstrator is in charge of a definite circle, such as the area of a police-station, and works under the supervision of the district and other agricultural officers. Ultimately a demonstrator will be appointed for each police-station in Bengal.

The district agricultural officers and demonstrators spend practically the whole of their time on tour, demonstrating improved methods and arranging for the supply of improved seeds, fertilisers, etc."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

58.

(*a*) Will the Government be pleased to state the total quantity of jute seeds distributed by the Agricultural Department during the last year? Dist jute se

(*b*) Are the Government aware that the jute plants grown from these seeds were of very inferior quality and that they flowered before they attained a height of 2 feet or so?

(*c*) Will the Government be pleased to state the reasons for the stunted growth of these jute plants?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) 2,070 maunds were sold.

(*b*) No. Partly as an effect of hail and partly also, possibly, on account of drought, premature flowering of all kinds of jute, departmental as well as that grown from local seed, took place in certain areas. But the crop grown from departmental seed matures later, and therefore flowers later, than any other known race of jute. The local races flowered earlier and more freely than departmental jute. The Hon'ble Member may obtain ocular demonstration of this fact at the Dacca Farm.

(*c*) The Hon'ble Member is referred to the answer to (*b*)."

By the Hon'ble Babu Bhabendra Chandra Ray:—

59.

Petition of Krishna Mohan Banerjee to Chairman, Calcutta Port Trust.

(*a*) Are the Government aware of a petition, dated the 5th May last, addressed to the Chairman, Calcutta Port Trust, by Krishna Mohan Banerjee, clerk, Store Department, who was compelled to resign as a sequel to a criminal case brought by him against Mr. Cornell, officiating Superintendent of Machinery, on a charge of assault?

(*b*) If so, what action has been taken thereon and upon what inquiry, if any?

(*c*) Will the Government be pleased to state the circumstances of the said case and the findings of the trying Magistrate?

(*d*) Is it a fact—

(*i*) that Mr. Cornell was merely given the benefit of the doubt, and that all the expenses incurred by him were borne by the Port Trust;

(*ii*) that Babu A. T. Mukerjee, a clerk of the Store Department, who gave evidence in favour of Babu K. M. Banerjee, was removed from service for absence from office for 5 days owing to ill-health, though he forwarded a medical certificate; and

(*iii*) that Babu K. M. Banerjee's services extended over 6 years, and, if so, has any bonus been granted to him?

Answer by the Hon'ble Mr. Cowley:—

" (*a*) The answer is in the affirmative. The statement that Babu Krishna Mohan Banerjee was compelled to resign is not correct.

(*b*) No action has been taken. It is a disciplinary matter with which the Port Commissioners are competent to deal.

(*c*) A statement summarising the case is laid on the library table.

(*d*) (*i*) Hon'ble Member is referred to the statement furnished in answer to (*c*).

(*ii*) Yes. Babu A. T. Mukerjee voluntarily resigned his appointment.

(*iii*) No bonus was given to Babu Krishna Mohan Banerjee, as none was due."

By the Hon'ble Babu Bhabendra Chandra Ray:—

60.

(*a*) Is it a fact that in a number of cases of death and suicide that have recently come up before the Coroner's Court in Calcutta, evidence has disclosed acute privation or starvation to be among the causes of such death or suicide?

Death suicide d acute pr or starvati

(*b*) If so, will the Government be pleased to make a statement, month by month, since January last, giving particulars of each such case?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) In two cases only out of 180 inquests held since January last in the Coroner's Court, Calcutta, has the evidence disclosed privation to be among the causes of death or suicide.

(*b*) Particulars of these two cases are given below:—

(1) *Inquest No. 139 of 1920.*—Monorama Dasi, a Hindu girl aged about 17 years. Her husband had been out of employment for more than a month and they were living on Rs. 15 a month realised by letting out a portion of the house. On the 15th June last they had no food to eat and on the 18th June she committed suicide by taking opium.

(2) *Inquest No. 160 of 1920.*—The deceased Surodhani Dasi, a Hindu widow aged about 40 years, had been out of work for some time On the 8th July she took opium and died the next day."

By the Hon'ble Babu Bhabendra Chandra Ray:—

61.

Burma r

Will the Government be pleased to make a statement showing the quantity of Burma rice so far allotted to each district, the wholesale rates at which it is or will be available at the headquarters thereof, and the nature of the arrangements for its sale at such headquarters and in the interior of each district?

Answer by the Hon'ble Mr. McAlpin:—

"A statement of the quantity of Burma rice so far supplied to each district is placed on the table. Specific allotments of Burma rice are not made for each district. Burma rice is imported to meet the total ascertained demands of the various districts and is supplied to each district to meet specific demands received by the Director of Civil Supplies. As districts seldom take up Burma rice to the full extent of the estimated demands, a large surplus is generally available (as at present) after specific demands have been met.

No single wholesale rate at district headquarters can be quoted, as many qualities of Burma rice are in use in Bengal districts. A price-list for wholesale in Calcutta is placed on the table. The wholesale price in the muffasil may be found by adding to the sale-price in Calcutta—

	As.	P.
(1) f. o. r. expenses at Calcutta per maund, approximately	3	6
(2) Handling expenses at destination, approximately	1	6
(3) Profit on local sale, approximately ...	2	0
(4) Commission to the distributing agent firms at Calcutta	1	8
(5) Freight by rail or river		

The average freight may be put at 6 annas per maund.

Burma rice is sold under arrangements made by the Director of Civil Supplies to Muffasil buyers nominated by local officers and to other approved agencies, who guarantee to the local officers to sell the rice locally, either under the instructions of the local officers or at a profit fixed by the local officers."

Statement referred to by the Hon'ble MR. MCALPIN *in answer to Question No. 61 (unstarred) asked by the Hon'ble* BABU BHABENDRA CHANDRA RAY *at the Council meeting of 4th August, 1920, showing supplies of Burma rice to various districts of Bengal.*

(Figures are in tons.)

MONTHS	Barisal	Bogra	Dacca	Jessore	Khulna	Mymensingh	Pabna	Rangpur	Tippera	24-Parganas	Chittagong	Noakhali
March ..	...		..	..	.	...	..	.	...	.	126	
April ..	.	..		...	..		.	.	989	..	1,357	96
May ..	.			...	...	..	...	...	1,374	...	2,411	309
June ...	105	9	102	105	980	378	4	7	550	86	1,958	4[illegible]
July (up to 27th).	239	22	1,233	116	378	239	...	11	211	265	2,036	260
	344	31	1,364	221	1,358	617	4	11	87	3,124	3,51	7,948	1,019

(1) Records are not obtainable of despatches from Calcutta before the end of May 1920. Such despatches as occurred were inconsiderable.
(2) There were no despatches from Chittagong prior to March, 1920.
(3) Deductions for such cancellations of orders as have not been reported to the Director of Civil Supplies have not been made from these figures. The difference would be inappreciable.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

62.

Excess collection of cost in Mymensingh settlement.

(*a*) Is it a fact that quite a large sum, about two and a half lakhs of rupees collected in excess of the actual cost of settlement operations in Mymensingh, has been lying idle in the hands of Government?

(*b*) If so, to what use do Government propose devoting this amount?

(*c*) Are the Government aware of any expressed desire of the local public regarding the use of this money?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) No. On the contrary, about seven and a half lakhs of rupees have been collected in defect of the actual net cost of the settlement operations in the district of Mymensingh. The broad facts are as follows:—

The actual net cost of the settlement aperations in that district is approximately 40 lakhs. In accordance, however, with the usual practice, arrangements were made for the recovery of three-fourths of the net cost, the remainder to be borne by the State. But approximately two and a half lakhs in excess of the actual three-fourths of the net cost were recovered. This has been automatically credited to the Government of India and goes to reduce that portion of the net cost, viz., about ten lakhs, which would otherwise be borne by the State. This sum is not, therefore, at the disposal of this Government; and the Government of India have passed general orders to this

effect. The accounts of the Mymensingh settlement operations have not yet been finally adjusted, and therefore the above figures are only approximate.

(*b*) In view of the answer to (*a*), the question does not arise.

(*c*) Yes; but in view of the answer to (*a*), the desire cannot be fulfilled."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

63.

Will the Government be pleased to make a statement regarding the present distress in the different districts of Bengal, with special reference to those areas that were visited by the cyclone in September, 1919, and the relief measures that have been adopted at different places? Distress in different districts of Bengal.

Answer by the Hon'ble Mr. McAlpin:

"The Hon'ble Member is referred to (*i*) the answer to the unstarred question No. 69, regarding distress in Noakhali and Tippera, put by the Hon'ble Babu Akhil Chandra Datta at this meeting, (*ii*) the answer to the starred question No. X, regarding destitution in Gopalganj, put by the Hon'ble Rai Srinath Ray Bahadur, and (*iii*) the answer to the unstarred question No. 64, regarding scarcity and distress in different parts of the presidency, put by the Hon'ble Babu Bhabendra Chandra Ray at the Council meeting of the 1st July, 1920. It has since been reported by the District Officer that the situation in the Faridpur district, which was visited by the cyclone in September last, is now easier, owing to the fall in the price of rice and the advent of the autumn crop of rice."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

64.

Will the Government be pleased to state in what areas in the Dacca Division and in the District of Pabna the provisions of the Sanitary Drainage Act have been applied within the last 10 years? Application of Sanitary Drainage Act in Dacca Division and District of Pabna.

Answer by the Hon'ble Mr. O'Malley:—

"The provisions of the Act have not been applied in any areas in the Dacca Division and the district of Pabna within the last ten years."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

65.

(*a*) Are the Government aware of the great inconvenience caused to passengers by the absence of any waiting room or shed at the Serajganj station? Waiting room at Serajganj station.

(*b*) If so, are the Government considering the desirability of taking steps for the removal of this public grievance?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) and (*b*) Government have no information on the subject, which is one which concerns the authorities of the Eastern Bengal Railway, to whom the Hon'ble Member is referred."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

66.

Commutation cases under the Bengal Tenancy Act

Will the Government be pleased to lay on the table a statement showing—

(*a*) How many commutation cases under section 40 of the Bengal Tenancy Act, 1885, were filed in the Court of the subdivisional officer (revenue officer) in Tamluk subdivision and before settlement officers in the district of Midnapore in the years 1918-19 and 1919-20; and

(*b*) how many cases have been decided *ex parte*?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) and (*b*) A statement is laid on the table. The figures for (*b*) in the case of the settlement officer are not available without a special examination of 4,525 cases disposed of in the years 1918-19 and 1919-20, which Government do not propose to undertake."

Statement referred to by the Hon'ble MR. MCALPIN, *in answer to question No. 66 (unstarred) asked by the Hon'ble* RAI MAHENDRA CHANDRA MITRA BAHADUR *at the Council meeting of 4th August, 1920, showing numbers of commutation cases under section 40 of the Bengal Tenancy Act filed and decided* ex parte *in the Courts of the Subdivisional Officer of Tamluk and the Settlement Officer of Midnapore in the years 1918-19 and 1919-20.*

OFFICER CONCERNED.	NUMBER OF CASES FILED IN THE YEAR—		NUMBER OF CASES DECIDED EX PARTE IN THE YEAR—	
	1918-19.	1919-20.	1918-19.	1919-20.
Subdivisional Officer, Tamluk ...	40	23	...	4
Settlement Officer, Midnapore ...	327	31	...	...

By the Hon'ble Babu Bhabendra Chandra Ray:—

67.

Revival of standard cloth and present stock of cloth.

(*a*) With reference to the statements made by Government in their replies to certain public bodies, that the present situation would not justify the revival of standard cloth and that the price of cloth is likely to fall, will the Government be pleased to state the circumstances that led them to entertain these views?

(*b*) Have the Government any information as to the present stock of cloth in Bengal and as to whether any additional quantity is likely to be available in the near future?

(*c*) If so, what is the nature of such information and how has it been obtained?

Answer by the Hon'ble Mr. Marr:—

"(*a*), (*b*) and (*c*) The production of cotton goods in India is now large and Indian mills are manufacturing more than 50 per cent of the requirements of the country. This is the main reason why it is very undesirable to divert them to other channels at the present moment

Bombay prices are at present twice pre-war prices, while Lancashire prices are six times pre-war prices. Bombay prices at the present time are falling, while Calcutta prices of Lancashire goods are now 30 to 40 per cent lower than Manchester prices The exchange position is against imports and, until an adjustment of prices is reached between Manchester and Calcutta, imports will not take place. It is not expected that prices will rise unless the American cotton crop fails.

There are large stocks of goods of Indian manufacture in Calcutta, but the stocks of Lancashire goods are low Large stocks manufactured in Lancashire to the order of buyers in China are likely to be sold off against these buyers very shortly, as they are unable to clear them This should lower prices, and in fact Manchester prices are tending to ease, it looks as if they must be forced down, as business is not being done at present prices Owing to the financial position in Japan, manufacturers there have had to sell their yarn cheap and are likely to be forced to sell their manufactured goods at cheap rates in the near future.

The above information is based upon the best inquiries which Government have been able to make as to the present state and future probabilities of the market."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

68.

Will the Government be pleased to state what progress has been made since 1919 in the matter of encouraging sugar manufacture in Bengal, and how far the output of sugar has been increased thereby? Sugar manufacture in Bengal

Answer by the Hon'ble Mr. McAlpin:—

"Work on the actual manufacture of sugar has been in abeyance since the deputation of Mr. Annett from the province. Good progress is being made in the introduction of disease-proof canes of high-yielding capacity suitable for the manufacture of *gur*; but, though the demand for these canes is great, their distribution has not yet gone far enough to increase sensibly the total output of sugar. On the general question of sugar production in Bengal, the recommendations of the Indian Sugar Committee are awaited."

By the Hon'ble Babu Akhil Chandra Datta:—

69.

Distress in Noakhali and Tippera.

Is it a fact—

(*a*) that there is acute distress in the districts of Noakhali and Tippera;

(*b*) that there have been several cases of death from starvation in the district of Noakhali?

(*c*) Will the Government be pleased to make a full statement on the subject?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) and (*c*) Acute distress does not prevail in the district of Noakhali or Tippera. Owing, however, to economic causes distress is being felt by certain classes of people, mainly the very poor, in local areas in the Senbagh and Begamganj police-stations in the Sadar subdivision of the district of Noakhali. In Senbagh the paddy crop was damaged by the *ufra* pest and a poor crop was harvested last year. The classes of people affected are those dependent on charity, landless labourers, who find no employment at this season, and a few small cultivators who have disposed of their stocks. The prospects of the standing *aus* paddy and jute crops are, however, good, and it is hoped that the situation will improve with the harvesting of the crops, which will begin in the middle of August. Meanwhile, measures have been taken for the provision of work for able-bodied persons on the removal of water-hyacinth, the grant of gratuitous relief in the shape of grain doles, grant of agricultural loans to cultivators and an increased supply of Burma rice at controlled prices.

(*b*) No."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

70.

Residential accommodation of students of law and teaching departments of the Dacca University.

Having regard to the fact that the Dacca University Act provides for only three halls, will the Government be pleased to state what provision they propose to make for the residential accommodation of students of the law and teaching departments of the University?

Answer by the Hon'ble Mr. O'Malley:—

"It is not a fact that the Dacca University Act provides for only three halls, for section 32 lays down that the halls of the University shall be the Dacca Hall, the Muhammadan Hall, the Jagannath Hall and such other halls as may be prescribed by the statutes. The first statutes of the University contained in the schedule of the Act do not provide for any halls in addition to the Dacca, Muhammadan and Jagannath Halls, but further statutes can be made under section 27 of the Act after the University is established.

Government do not contemplate taking into consideration the making of special provision for the residential accommodation of students of the law and teaching departments prior to the establishment of the University."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

71.

Will the Government be pleased to state the reason why the new posts created in the subordinate educational service in connection with the scheme for the improvement of secondary education were made available for officers who have no connection with secondary education, *e.g.*, lecturers, demonstrators, foreman mechanics, physical laboratory assistants, etc? Subordinate educational service

Answer by the Hon'ble Mr. O'Malley:—

"The reason that the new posts in the subordinate educational service were not confined to officers connected with secondary education is as follows:—

The promotion to the subordinate educational service of secondary school teachers who were drawing low rates of pay could have been secured by placing most of the new appointments in the lowest grades of the service. The grading of the service would however have been impaired by such a measure, and the prospects of teachers of secondary schools already belonging to the subordinate educational service would have been injured as well as those of officers not belonging to secondary schools. In order to avoid this, the new posts were distributed among the different grades and incidentally therefore, officers not connected with Government secondary education shared in the benefits of the scheme."

By the Hon'ble Rai Sri Nath Ray Bahadur:

72.

(*a*) With reference to the answer given to the Hon'ble Babu Ambika Charan Majumdar's question asked at the meeting of Council held on the 24th January, 1919, in which it was stated by Government that the Imperial recurring grant of 9 lakhs of rupees had been made for the improvement of the training and pay of teachers in primary and secondary schools in the Bengal Presidency, and that recommendations had been made for improving Government high schools at an estimated cost of a little over three lakhs, will the Government be pleased to state what were the recommendations? Improvement of Government high schools.

(*b*) Is it a fact that the teachers of Government high schools have not derived that amount of benefit which they could have, if the money had been spent exclusively for the purpose for which it was meant?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Government's recommendations were

(*1*) that 30 posts should be added to the provincial educational service to provide for the appointment of all head masters of high schools to that service.

(*2*) that 210 posts should be added to the subordinate educational service to provide for the appointment to that service of all English and classical teachers in high schools, who were either in the lower subordinate educational service or outside the grades of the educational service;

(*3*) that a new 'Vernacular Teacher's Service,' consisting of 159 posts in Government high schools on Rs. 30—1—50 should be

created, which should include all other teachers (except those mentioned above), who were either in the lower subordinate educational service or outside the grades;

(*4*) that a new service called the 'Clerical Service,' and consisting of 40 posts should be created on Rs. 30—1—50 to provide for clerks in all Government high schools, and to replace the existing posts of clerks in the subordinate educational service, lower subordinate educational service and outside the grades: and

(*5*) that 40 librarians' allowances on Rs. 20 a month each should be created for Government high schools.

(*b*) The Hon'ble Member is referred to the answer to question No. 71 (unstarred)."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

73.

Withholding of the reorganisation of the subordinate educational service pending the appointment of Minister.

Is it a fact that Government intend holding back the reorganisation of the subordinate educational service till the Minister takes over charge of education?

Answer by the Hon'ble Mr. O'Malley:—

"As stated in the reply to unstarred question No. 71, it is proposed to appoint a committee of officials and non-officials to advise Government on the subject. Their recommendations will be laid before the Minister in charge of education."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

74.

Reorganization of the subordinate and lower educational services.

(*a*) In reply to a question asked by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri in the Bengal Legislative Council of 3rd September, 1920, about the reorganisation of the subordinate and lower subordinate educational services, the Hon'ble Mr. Goode stated that "the general principles on which reorganisation should proceed are, however, being worked out."

(*b*) Will the Government be pleased to state whether these principles have yet been worked out and, if so, what they are?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) The general principles have not yet been worked out. It is proposed to appoint a committee of officials and non-officials to advise Government on the question of reorganising these two services."

By the Hon'ble Babu Akhil Chandra Datta:—

75.

Study of *Nyaya* philosophy.

Are the Government considering the desirability of encouraging the study of *Nyaya* philosophy and of creating a post in the provincial educational service for *Nyaya* in the Calcutta Sanskrit College?

nswer by the Hon'ble Mr. O'Malley:—

"Provision has already been made for the study of *Nyaya* Philosophy the Sanskrit College, there being two lecturers in the subject. The reply the latter part of the question is in the negative."

y the Hon'ble Babu Sarat Chandra Chakrabartty:—

76.

Will the Government be pleased to state why the vacancy in class I of e subordinate educational service caused by the death of Babu Ram Chandra puty keeper, Government Art Gallery, is not being filled up by general pro- tion, but is being held by an officer of class V under an officiating arrange- ent?

Filling of th vacancy Deputy Keepe Government A Gallery.

nswer by the Hon'ble Mr. O'Malley:—

"The post of deputy keeper, Government Art Gallery, has been filled by e appointment of an officer in class II, and as this officer was placed on depu tion in the Bengal Engineering College, a sub. *pro tem.* arrangement has en made in his place by the appointment of a court clerk in the Art section the Indian Museum, who is in class V of the subordinate educational rvice. It is proposed that this arrangement should be reconsidered when r Percy Brown, Principal of the Government School of Art, returns from ave."

y the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy:—

77.

(*a*) Has the attention of the Government been drawn to the fact that e present arrangements for board at the Hastings House School are objec- nable from the point of view of Muhammadan religion?

(*b*) If so, are the Government considering the desirability of taking ps to remove the grievance of Muhammadan boarders?

Boardin arrangements the Hasting House school.

nswer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) It has been suggested to Government that the popularity the school might be increased if special arrangements were made for ortho- x boys, both Muhammadan and Hindu. The question of introducing a stem of orthodox messing for boys of both religions has accordingly been ferred to the Governing Body for consideration and advice."

y the Hon'ble Babu Sarat Chandra Chakrabartty:—

78.

(*a*) Will the Government be pleased to state how the new posts created the subordinate educational service under Government order No. 430, ted the 15th June, 1918, in connection with the improvement of Govern- ent secondary schools for girls were filled up?

Improveme of Governme secondary scho for girls.

(*b*) Is it a fact that these posts were filled up only by teachers in secondary schools for girls and were not made available for all officers in the subordinate educational service according to seniority?

(*c*) If so, why were the new posts, created in the subordinate educational service in connection with the improvement of the secondary educational scheme, made available for all officers in the subordinate educational service, whether they had any connection with secondary education or not?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) All teachers in Government secondary schools for girls, who were previously in the lower subordinate educational service or outside the grades on a lower rate of pay, were promoted to the subordinate educational service or vernacular teachers' service. The higher grade posts in the subordinate educational service were filled up by the promotion of officers already in the subordinate educational service.

(*b*) The answer is in the negative.

(*c*) The Hon'ble Member is referred to the reply to question No 71 "

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

79.

Functions of the special officer for Dacca University.

Will the Government be pleased to state—

(*a*) what are the exact functions of the special officer for the Dacca University;

(*b*) whether the special officer has been authorised —

(*i*) to appropriate finally the present buildings and settle the site and place of new buildings to be constructed for the University;

(*ii*) to make appointments or nominations for appointment to any post in the teaching or ministerial staff of the Dacca University, or to receive applications for such posts; and

(*iii*) to draft regulations and ordinances for the Dacca University?

(*c*) If the answer to the foregoing question be in the affirmative, will the Government be pleased to state why this responsible work has been entrusted to a single officer instead of to a committee of competent educationists and public men?

(*d*) (*i*) Has any of the duties mentioned in the above question been entrusted to any gentlemen other than the special officer?

(*ii*) If so, have their services in this connection been remunerated?

(*e*) If any orders have been passed for specially remunerating such services, will the Government be pleased to state what are the special qualifications of the gentlemen remunerated for the work entrusted to them and what is the basis on which the rate of their remuneration has been fixed?

Answer by the Hon'ble Mr. O'Malley:—

" The Hon'ble Member is referred to the reply given to starred question No. 16 at the meeting of the Legislative Council held on 1st July, 1920, and to the replies given at this meeting to unstarred questions No. 27 and No. 28."

By the Hon'ble Babu Bhabendra Chandra Ray:—

80.

(*a*) Will the Government be pleased to make a statement showing the number of accidents caused to people by (*i*) private motor cars, and (*ii*) taxi cabs, in Calcutta since January, 1919, month by month, showing in how many such instances during each period the cases terminated fatally, and in how many instances drivers were found guilty of rash and negligent driving and the respective punishments awarded to the drivers in each case?

Accidents caused by private motor cars and taxi cabs.

(*b*) What special measures, if any, are Government contemplating to take for checking this evil?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) A statement is laid on the library table

(*b*) The increase in the number of accidents is largely due to the increase in the number of motor cars on the streets and the general growing complexity of the traffic problem in Calcutta. An endeavour is being made to cope with this by an increase and improvement in the traffic police Greater control is being obtained over public vehicles through the Public Vehicles Department, which has recently been started in the Commissioner of Police's office. The regulations regarding motor traffic are being revised and brought more into accord with those in force in London, while a stricter examination is now made as to the fitness of applicants to hold licenses to drive motor vehicles in the public streets. The improvement must be gradual, but Government trust that if the public support the efforts of the Commissioner of Police to provide more adequate measures for public safety, that a considerable number of the dangers in the street will be eliminated"

By the Hon'ble Rai Sri Nath Ray Bahadur:—

81.

(*a*) With reference to the statement made by the Hon'ble Sir S. P. Sinha (now Lord Sinha) in the Bengal Legislative Council meeting held on the 20th November, 1917, that an inquiry would be made into the question of the reorganization of the subordinate educational service and the lower subordinate educational service as soon as possible after the pay of the provincial educational service and the grades thereof had been fixed, will the Government be pleased to state—

Re-organization of certain educational services.

(*i*) how long the cases of the subordinate educational service and the lower subordinate educational service will be deferred; and

(*ii*) in what way and to what extent the improvement of the subordinate educational service and lower subordinate educational service is subservient to that of the provincial educational service?

(*b*) Is it a fact—

(*i*) that when the Bengal educational service was first divided into the provincial and subordinate educational services during Mr. Martin's incumbency, the initial pay of the former service was Rs. 150 and that of the latter Rs. 50;

(*ii*) that the initial pay of the provincial educational service was next raised to Rs. 200;

(*iii*) that it is now to be raised to Rs 250;

(*iv*) that there has been no improvement in the subordinate educational service since its creation;

(*v*) that there has been a decrease in the average pay of the subord nate educational service, on account of a number of appoin ments in the higher grades of that service being replaced b appointments in the lower grades, as admitted by the Direct of Public Instruction in the last quinquennial report, while n such depreciation was allowed in the provincial education service; and

(*vi*) that there has been a further depreciation in the average pay the subordinate educational service on account of its having ha to absorb many officers from outside the grade by the recen circular of the Director of Public Instruction?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) (*i*) As stated in the replies to unstarred questions Nos. 73 and 74 it is proposed to appoint a committee of officials and non-officials to advis Government on the question of reorganizing the subordinate educational ser vice and to lay their recommendations before the Minister in charge c education.

(*ii*) As stated by Lord Sinha at the meeting of the Council referred to i clause (*a*) (*i*), the pay of the provincial educational service and the grade thereof have to be fixed before the pay and grades of the lower services ca be fixed.

(*b*) (*i*), (*ii*) and (*iii*) The answer is in the affirmative.

(*iv*) There has not been any change in the rates of pay fixed for th various grades of the subordinate educational service, but in 1905 an increas was made in the number of appointments in the higher grades with the objec of improving the prospects of deputy and additional deputy inspectors o schools, head masters of zilla and high schools, and lecturers of colleges, an a modified scale was introduced.

(*v*) The average pay has decreased, but not for the reasons suggested i the question. The quinquennial report says: ' Owing to the financial strin gency which has obtained since the war began, the posts created in the cours of the last three years were fixed to meet actual requirements. This has le to a depreciation in the average pay of the service.'

It is not a fact that the average value of a provincial educational servic post has not decreased: it has fallen to Rs. 306 from Rs. 323.

(*vi*) The answer is in the negative."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

82.

Medical relief in *kala-azar* cases.

(*1*) Is it a fact—

(*a*) that several centres were started by Government in Tangail for giving medical relief in *kala-azar* cases; and

(*b*) that these centres have recently been discontinued, and, if so, why?

(*2*) Has there been any appreciable decline in the number of *kala-azar* cases, recently, in Tangail?

Answer by the Hon'ble Mr. O'Malley:—

" (*1*) (*a*) and (*b*) No centres have been opened by Government for the treatment of *kala-azar*. The Deputy Sanitary Commissioner in charge of

he special inquiry into *kala-azar* instructed the local medical officers at each dispensary visited by him in the technique of the special treatment of the disease now advocated by the best authorities. The District Board of Mymensingh agreed to depute two medical officers for six months to open two centres for the treatment of *kala-azar*, but actually only one officer took up the work and he appears to have been recalled at the end of six months. The reason for this is not known.

(*2*) The figures of admission for *kala-azar* at the dispensaries are not conclusive, as many persons suffering from the disease never visit a dispensary. Government cannot, therefore, express an opinion on the question."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

83.

(*a*) Is it a fact that a scheme for the appropriation of the present buildings at Dacca and the construction of new buildings for the University has been finally approved and commenced, and, if so, upon what advice was this done, and was any opportunity given to the public or to the educationists in Dacca to discuss the scheme?

Appropria of present bu ings and struction of buildings Dacca Univers

(*b*) Will the Government be pleased to lay on the table any scheme that may have been drawn up?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) A scheme for utilizing the buildings at Dacca for the University was approved by His Excellency the Governor after personal inspection and after considering the views of the Director of Public Instruction and a local committee composed of—

(1) The Commissioner of the Dacca Division;
(2) The Collector of Dacca;
(3) Rai Bahadur Lalit Mohan Chatterji, Principal of the Jagannath College at Dacca;
(4) The Superintending Engineer, Eastern Circle;
(5) The Principal of the Dacca College, and
(6) Mr. Ramsbotham, Professor of the Dacca College.

A scheme for the construction of buildings has not yet been finally approved. Detailed plans for the Jagannath Hall of the University have been prepared in consultation with Mr. Turner, Principal of the Dacca College, and Rai Lalit Mohan Chatterji Bahadur, Principal of the Jagannath College at Dacca.

(*b*) No useful purpose would be served by laying papers on the table."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

84.

Will the Government be pleased to state—

Improve of Govern high schools.

(*a*) to what purpose and in what way the sum of a little over 3 lakhs (out of the Imperial recurring grant of 9 lakhs) set apart for the improvement of Government high schools, was spent; and

(*b*) is it a fact that the money was spent in connection with the secondary educational scheme?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The money was utilised in providing for the appointments referred to in the reply to question No. 72 (*a*) (unstarred) to which the Hon'ble Member is referred.

(*b*) The improvement of Government high schools formed part of the scheme for the improvement of secondary education. The Hon'ble Member is also referred to the answer to question No. 71 (unstarred)."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

85.

Pay of the subordinate educational service.

(*1*) Will the Government be pleased to state—

(*a*) what the average pay of the subordinate educational service was when it was first constituted in 1897;

(*b*) what the average pay of the subordinate educational service was in Eastern Bengal immediately after the partition of Bengal; and

(*c*) what is the average pay of the subordinate educational service at present?

(*2*) (*a*) Is it a fact that during the last quinquennium the subordinate educational service of Bengal has suffered a decrease in its average pay?

(*b*) Is there any other graded service in Bengal under Government which has suffered similarly?

Answer by the Hon'ble Mr. O'Malley:—

"(*1*) (*a*) Rs. 91-8 a month.

(*b*) Rs 92-2 a month.

(*c*) Rs 86 a month.

(*2*) (*a*) The answer is in the affirmative.

(*b*) There has also been a decrease in the average pay of the provincial educational service."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

86.

Birth and death rates in Sainthia police-station for the last 10 years.

Will the Government be pleased to lay on the table a statement showing the birth and death rates for each of the last 10 years within the jurisdiction of the Sainthia police-station in the Pabna district?

Answer by the Hon'ble Mr. O'Malley:—

"A statement is laid on the table."

Statement referred to by the Hon'ble MR. O'MALLEY *in answer to Question No. 86 (unstarred) asked by the Hon'ble* BABU BROJENDRA KISHOR RAY CHAUDHURI *at the meeting of 4th August, 1920, showing the birth and death rates of Santhia (Dulai) thana in the district of Pabna during the last 10 years (1910—1919).*

YEARS.				Birth rate.	Death rate
1910	...	...	...	35·8	34·8
1911	...	...	...	34·0	24·8
1912	...	...	...	35·5	34·4
1913	...	...	...	20·0	24·6
1914	...	...	...	21·0	47·2
1915	...	...	...	21·1	32·3
1916	...	...	...	31·6	21·9
1917	...	...	...	33·6	31·7
1918	...	...	...	25·2	38·9
1919	...	...	...	24·3	41·9

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

87.

Will the Government be pleased to state—

Excavatio tanks and n ling of roa certain sul sions of the trict of Hoo

(*a*) The amount of Public Works Cess that is realised annually and credited to the District Board of Hooghly from the subdivisions of Arambagh and Serampore and the Sadar subdivision of the district of Hooghly?

(*b*) The number of tanks that have been excavated by the District Board of Hooghly for the improvement of water-supply in the rural areas, especially in the subdivision of Arambagh?

(*c*) (*i*) The mileage of roads—metalled and non-metalled—constructed by the District Board of Hooghly in the subdivision of Arambagh?

(*ii*) If the mileage is not large, are the Government considering the advisability of constructing such roads in that subdivision?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Subdivisional figures are not available

(*b*) During the last three years, 3 tanks have been re-excavated in the Sadar subdivision of Hooghly, 3 in the Arambagh subdivision and none in the Serampore subdivision. Altogether 73 tanks have been re-excavated up to date in the district of Hooghly, of which 28 are in the Arambagh subdivision.

(*c*) (*i*) During the last 3 years, 2 miles of metalled roads, and no unmetalled roads have been constructed in the Arambagh subdivision. At the present time there are 8 miles of metalled roads, and 123½ miles of unmetalled roads in that subdivision.

(*ii*) As the subdivision is liable to floods, and it is consequently difficult to maintain metalled roads, the District Boards do not consider it advisable to extend the mileage of such roads to any great extent."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

Promotions in subordinate educational service.

88.

(*1*) Is it a fact—

(*a*) that shortly before the recent promotions in the subordinate educational service were declared, a circular was issued by the Director of Public Instruction giving officers outside the graded service the same claims to promotions to vacancies in the subordinate educational service as the members of the graded service had, thus obliterating all differences between graded and ungraded services;

(*b*) that this caused a loss of relative position in the grade to many officers;

(*c*) that it has caused a depreciation in the average pay of the service?

(*2*) Has the above circular the approval of the Government?

Answer by the Hon'ble Mr. O'Malley:—

" (*1*) (*a*) A circular was issued by the Director of Public Instruction on the 16th June, 1919, stating:—

' Under the system of promotions hitherto followed when officers outside the grades were considered for promotions to vacancies inside the grades they were, when promoted, generally placed on the same rate of pay in the graded service: this caused hardship to the officers so promoted. It has, therefore, been decided to treat the graded and ungraded services as on an equal footing for purposes of promotions; that is to say, an officer on Rs. 100 outside the graded service should be eligible for direct promotion to class IV, subordinate educational service (Rs 125) according to the length of time he has been drawing that rate of pay.'

In this connection the Hon'ble Member is referred to the reply given to clauses (*f*) and (*g*) of question No. 29 (unstarred) and (*g*) and (*h*) to question No. 30 (unstarred) asked by the Hon'ble Maulvi Fazl-ul-Haq at the meeting of the Council held on the 19th November, 1919.

(*b*) Officers already in the subordinate educational service have suffered to some extent as a result of this decision, as the pay of the posts outside the grades was slightly lower than that of the graded posts

(*c*) The answer is in the negative.

(*2*) The answer is in the affirmative."

LIST OF BUSINESS—ITEM No. 2.

THE BENGAL ALLUVIAL LANDS BILL, 1920.

The Hon'ble Sir Charles Stevenson-Moore presented the Report of the Select Committee on the Bengal Alluvial Lands Bill, 1920.
He said—

" My Lord, in presenting the Select Committee's report on the Bengal Alluvial Lands Bill, 1920, I desire to give expression to the gratification felt by the Government at the manner in which this measure has been welcomed by the public bodies and individuals to whom it was sent for criticism. The principles of the Bill have elicited a loud chorus of approval, marred by hardly

one discordant note. Public bodies, private persons, officials judicial and executive alike are almost unanimous in holding the opinion that legislation on the lines adopted is very necessary in the interests of order and good government, that it is long overdue, and that the measure should prove effective and attain the object for which it has been framed.

At the same time various suggestions were made for the improvement of the Bill in matters of detail. The majority of these suggestions were adopted by the Select Committee and I shall now make a brief reference to the more important of them.

The scope of the definition of Collector in clause 2 (*b*) has been extended in one respect, in that it now includes a Subdivisional Officer, it has been restricted in another respect by limiting the class of Deputy Collectors whom the Local Government can vest with the powers of a Collector to those who exercise first class magisterial powers. As bearing on the application of this measure two small additions have been inserted. An addition has been made to the definition of alluvial land in clause 2 (*a*) in order to make it quite clear that alluvial land includes re formation *in situ*. At the same time clause 3 (*1*) has been slightly amended with the object of declaring more expressly that action under this law can be taken by the Collector only in respect of alluvial land which has recently formed. These two alterations do not affect the principles of the Bill in any way and have been made merely in order that the original intentions of its framers should be more accurately expressed. The Select Committee refrained from attempting to define what should constitute a recent formation, as they considered that the vagueness of the term would not lead to any practical difficulty, for it is only with reference to the initial possession of new formations that the disputes with which this measure is designed to deal ordinarily occur

A change which is of considerable importance to landlords has been made by the addition of a proviso to clause 3 (*2*) limiting settlements or resettlements by the Collector or Receiver of attached lands to a period of three years only As appears from the Statement of Objects and Reasons attached to the Bill as introduced in Council on the 5th March, 1920, it was then intended that the settlements made by the Collector or Receiver of attached lands would be regular settlements, *salami* being levied in the usual manner. The opinions subsequently received, however, disclosed a marked preference for a provision that the settlement of attached land should be temporary in nature and so leave the landlord, when his title had been determined and possession given to him, unhampered in the selection of his tenants and fixation of their rents. The Select Committee did not overlook the fact that the power of acquiring rights of accupancy in *char* lands is definitely restricted by section 180, Bengal Tenancy Act, but they regarded the objections which had been urged against the original proposal as reasonable and accordingly introduced this proviso which will secure for a landlord freedom of action in administering his property as soon as practicable after he has been placed in legal possession of it

Clause 4, which in the Bill as originally drafted, contained provisions dealing with both the Collector's survey and the Civil Court proceedings, has been split into two clauses by the Select Committee.

Clause 4, which now deals only with the Collector's operations, has been redrafted. To avoid difficulties of procedure it has been declared that the Collector's survey shall be carried out under the provisions of the Bengal Survey Act, 1875. It has also been provided that the relay of the relevant revenue and *diara* survey lines shall be shown on the map, as it is thought that this information will be of great assistance to the Civil Court in elucidating the nature of the dispute and determining the general manner in which its proceedings should be conducted. In order to obviate legal difficulties regarding the value to be attached to the Collector's map, provision has

also been made in this clause to extend to it the legal presumption in favour of its accuracy which attaches at present to all official maps made for general purposes.

The new clause 4 A, deals only with the procedure governing a reference to the Civil Court. From the opinions received, it appeared that the Bill as originally drafted did not express with sufficient clearness that the reference would be a suit for all purposes of the Civil Procedure Code and that it would be appealable as such. It was further pointed out that the Bill as drafted failed to indicate which of the claimants should commence at the hearing and the order in which they should be heard. The Select Committee regarded these defects as real and have redrafted the entire clause with a view to remedying them.

The only other change of importance is contained in clause 6. It was represented with some force that it would prove inconvenient and might lead to difficulties if the Collector were to exercise jurisdiction over the payment of costs incurred by him in cases in which he had made a reference to the Civil Court. The operation of clause 6 as amended by the Select Committee has, therefore, been restricted to costs incurred by the Collector in cases in which no such reference has been made. Costs in other cases will be adjudicated by the Civil Court under section 4 A, sub-section (*4*).

With these remarks, My Lord, I beg to present the report of the Select Committee, which I am glad to say is unanimous."

LIST OF BUSINESS—ITEM No. 3.

THE CALCUTTA PORT (AMENDMENT) BILL, 1920.

The Hon'ble Sir Charles Stevenson-Moore moved for leave to introduce a Bill to amend the Calcutta Port Act, 1890.

He said—

"My Lord, I have the honour to move for leave to introduce a Bill to amend the Calcutta Port Act of 1890. The Bill has been framed to provide the Calcutta Port Trust with a self-contained and adequate agency for the general management of its affairs. Under the existing law the Chairman of the Trust is appointed by Government but no provision is made for his remuneration as such. He is empowered to preside over general meetings and meetings of committees, but specific executive functions are not assigned to him, though the provisions of section 47 show that no legal bar exists to his exercise of them. Such functions on the other hand are specifically assigned to the Vice-Chairman, who is appointed by Government as a whole-time salaried officer, and thus the Vice-Chairman has become for all practical purposes the chief executive officer of the Trust, the scope and nature of the Chairman's control remaining somewhat indeterminate. For a long time past the post of Chairman has been held by a member of the Board of Revenue in addition to his own duties.

The object of the Bill which I now submit to Council is twofold. Its first object is to provide for the appointment by Government of a Chairman who will be a whole-time salaried officer and the chief executive officer of the Trust, charged with complete and direct responsibility for its administration. Its second object is to provide for the appointment of a Deputy Chairman by the Port Commissioners with the sanction of Government. He also will be a whole-time salaried officer. He will be a Port Commissioner empowered to preside over meetings in the Chairman's absence, competent to hold charge during temporary absences of the Chairman and authorised to discharge the specific executive duties assigned to him by law or rule or delegated to him by the Commissioners, thus setting free the Chairman to devote sustained attention to matters of prime importance.

Sir Charles Stevenson-Moore.

The system of administration which it is now sought to replace has existed for 30 years and has on the whole worked well and smoothly. During its existence, particularly in the present century, an enormous expansion occurred in the overseas trade of Calcutta, for which it was called upon to make provision. Then came the dislocation of trade consequent on the war, which necessitated the adoption of drastic measures for supplementing the greatly reduced revenues of the Trust. During the period of prosperity marked and progressive improvement was made in the dock equipment of the Port and schemes were formulated for an extension of the docking accommodation on bold and far-sighted lines. From the period of adversity the Trust emerged in a stronger financial position than it enjoyed before the war intervened to curtail its revenues. For these results the Trust as at present constituted deserves a full measure of credit. It undoubtedly achieved success in tackling the very different though equally serious problems to which abnormal periods whether of prosperity or of adversity necessarily give rise. Government did not fail to recognise all that had been accomplished and have from time to time expressed their warm appreciation of the services rendered by the Port Commissioners and their officers. Now, however, both Government and the Commissioners are agreed that the present system of administration has served its turn and that the time has arrived for effecting a change.

The scope of the Port Trust's activities has already grown to such dimensions that it is thought advisable to provide it with a strengthened controlling agency which will be self-contained and as independent as possible. The reason for adopting this course will be more readily appreciated if we turn our attention to the demands which will be imposed on this agency in the immediate future.

The Port Trust is embarking on a scheme of dock construction which is of great magnitude and will cost a very large sum of money. Again, although the rate of expansion in the overseas trade of Calcutta was great before the war, it requires no prophetic vision to foresee that now the war is over its development in the near future will proceed on still more rapid and comprehensive lines. Consequently a greater strain will be imposed on the administrative machinery as well as on the equipment of the Port Trust than has been experienced on any previous occasion.

These are among the chief considerations which have impelled Government to undertake this legislation and by which we have been guided in framing the provisions of this Bill. By providing for the appointment of a whole-time salaried Chairman the controlling agency of the Trust will become self-contained and complete in itself, while the additional appointment of a Deputy Chairman will strengthen control, secure continuity of administration, give relief to the head of the executive who is already overtaxed, and supply a supervising staff adequate to deal with the rapidly growing demands of overseas trade. The subject matter of this Bill, my Lord, is simple and non-contentious. I beg to move that the Calcutta Port Amendment Bill, 1920, be introduced in Council."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 4.

The Hon'ble Sir Charles Stevenson-Moore moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Monahan, the Hon'ble Mr. Cowley, the Hon'ble Mr. Donald, the Hon'ble Raja Hrishikesh Laha, the Hon'ble Rai Debender Chunder Ghosh Bahadur, the Hon'ble Mr. Watson-Smyth, the Hon'ble Mr. Hindley, and the mover, with instructions to submit their report in time for its consideration at the September meeting of the Council.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 5.

THE INDIAN RED CROSS SOCIETY (BENGAL BRANCH) BILL, 1920.

The Hon'ble Mr. Watson-Smyth presented the Report of the Select Committee on the Indian Red Cross Society (Bengal Branch) Bill, 1920.

He said—

"My Lord, the alterations made by the Select Committee in the draft Bill are not numerous.

Clause 4.—We considered that the number in the draft Bill of the managing committee was rather large, and we therefore cut it down by a few members, making it not less than 4 and not more than 12.

The second alteration is merely transferring two clauses, which we thought made the Bill more systematic.

The only alteration of any importance is in clause 6. In the India Act XV of 1920, on which this Bill is based, the managing committee have their powers circumscribed by not being allowed to touch their capital in time of peace, only being allowed to spend their income. In time of war, of course, all restrictions were removed. For some reason or other, this restriction was not placed in our Bill, and we could spend both capital and income in time of peace as well as in war. The danger of this was obvious. It might be that when war came, the Bengal branch would find that the whole of their capital had been spent by some well-meaning committee for, say child-welfare or some such thing. We therefore re-drafted that clause, and brought it more into line with Act XV of 1920. Having done that, the danger arose, as was pointed out by some members of the committee, that in case of a great calamity like flood or scarcity, if the Red Cross Society took action and collected subscriptions, then legal objection might be taken to spending anything except the income of that collection. Therefore, we made a provision at the end of this clause to safeguard this.

As regards Mr. Roy's note at the end of the report, although I am told that the legal advisers responsible for the Act of 1920 do not agree with him, it is obvious that the difficulty, if such there be, cannot be dealt with by any alterations in the Bill. Then there came to us a demi-official suggestion from the powers-that-be at Simla, that they would like a small alteration in the clause which is now clause 5 (*a*), namely, that the rules which the managing committee of this branch make, must be subject to rules made under Act XV of 1920. This suggestion did not commend itself to the Select Committee. We had, of course, no intention of doing otherwise than acting in conformity with the India Society, but at the same time we thought that we would like to be a separate entity, and it was for this very reason that this Bill was introduced.

These are the only alterations, and I now present the Report of the Select Committee."

LIST OF BUSINESS—ITEM No. 6.

THE BENGAL PROFITEERING BILL, 1920.

The Hon'ble Babu Kishori Mohan Chaudhuri moved for leave to introduce a Bill to provide for the control of the prices of articles for sale whether wholesale or retail in Bengal.

He said—

"My Lord, I must gratefully acknowledge that the matter aimed at in the proposed measure has been engaging the anxious consideration of Your Excellency's Government as well as the Government of India for some time

past. In opening the autumn session of the Imperial Council on the 4th September, 1918, His Excellency the Viceroy observed: "I view with even greater concern the pressure of the growing rise in the price of necessities on the poorer classes in the country. The lines we have been advised to follow by the Committee (drawn largely from the trade), whose services we enlisted last March, are twofold. First, the prevention of speculation in raw cotton. Second, the standardisation in India of the cloths used by the poorer classes, and their manufacture and distribution under control. The first measure we have already put into effect, by empowering the Government of Bombay to regulate forward contracts for the purchase or sale of the next cotton crop. In the carrying out of the second measure, we rely on Hon'ble Members' assistance. We are introducing a Bill at this session to require our mills to manufacture certain kinds and certain quantities of cloth, to be paid for at cost price *plus* a reasonable margin of profit, and to be sold to the public at fixed prices through licensed shops or at Government depôts. That there may be difficulties at the outset in carrying this scheme into effect I freely recognise. But I have every hope that with the co-operation of mill-owners, cloth-sellers and the public these difficulties will be overcome, and that the scheme will bring relief to those who need it most."

The Government recognised how sorely the high prices of cotton cloth pressed upon the poor and produced distress, which in some cases resulted in disturbances of the peace. Early in 1918 a mixed committee of Indian and European gentlemen was appointed by the Government of India to work out a scheme for the regulation of the prices of cotton piece goods of Indian manufacture. In pursuance of the recommendation of the committee, after careful and detailed consideration, the Cotton Cloth Bill was introduced as referred to in the Viceroy's speech on the 4th September, 1918, and referred to a Select Committee on the 11th September, 1918. The report of the Select Committee was presented on the 18th September, 1918, and it was considered and passed into law on the 26th September, 1918. It is now Act XXIII of 1918.

At the same time that the Bill was being discussed by the Select Committee at Simla, a very important and representative conference was being held in Bombay under the chairmanship of Mr. Noyce. The work done by the conference was most valuable and was expected to be of great assistance to Mr. Noyce as Controller in working out the details of the scheme.

At the conference the Bengal representatives estimated their requirements of standard cloth at nearly 4 million yards a month. Mr. Noyce took to Simla some samples of cloth for standardisation, woven during his stay at Bombay for the purpose. The Bengal representatives, the Hon'ble Babu Surendranath Banerjee and the Hon'ble the Maharaja of Kasimbazar, were shown the samples and they pronounced it to be exactly what they required.

I am submitting these details only to show how prompt measures were taken at the time. No standard cloth, however, has been manufactured for Bengal as yet, though high hopes were entertained and held out when the cloth law was enacted.

The question of high price of cloth was specifically raised, so far as I remember, in this Council in July, 1918, and an inquiry by a committee was accepted. The committee sat, but it practically merged in the India Government Committee previously referred to. The question was again raised by my friend the Hon'ble Rai Mahendra Chandra Mitter Bahadur by a resolution on the 19th February, 1919. He urged the taking of steps in connection with the high prices of cloth and foodstuffs on the lines of action and policy adopted by the Government of Bihar and Orissa. The Hon'ble Sir Henry Wheeler gave a very sympathetic reply and explained at length the circumstances that stood in the way of taking drastic measures to combat the evils complained of.

The matter came up again for discussion in this Council by several notices of resolutions in July, 1919. A very lengthy debate took place

and the Hon'ble Mr. (now Sir John) Cumming explained the situation at great length. The committee's proposal put forward by my friend the Hon'ble Rai Radha Charan Pal Bahadur was negatived, but the three other resolutions standing in the names of the Hon'ble Babu S. N. Ray, Maulvi Abul Kasem and Maulvi A. K. Fazl-ul-Haq urging Government to take early steps for the reduction of high prices of cloth, foodstuffs and other necessaries of life were adopted.

In September, 1919, my friend the Hon'ble Babu K. K. Chanda raised the question in the Imperial Council. He urged the taking of immediate steps for the reduction of the unprecedentedly high prices of necessary articles of food and of cloth, and in the very same meeting the Hon'ble Sir Dinshaw Wacha urged for a committee to consider the high prices prevailing in regard to articles of daily consumption and to suggest remedies for mitigating the hardships from which the poorest and lower middle classes were suffering. Both the resolutions were accepted, but the long-expected report of the Committee has not as yet been submitted.

The question for the last time came up before this Council at the last meeting when notices were given of three resolutions by the Hon'ble Babus Bhabendra Chandra Ray, S. N. Ray and A. C. Dutt on the subject and after discussion a committee has been appointed to inquire and suggest remedial measures. The committee began work on the 14th July last, but it will take a long time to complete the inquiry and formulate a definite scheme for action.

In introducing the Calcutta Rent Bill on the 15th March, 1920, on the lines of the Bombay Rent Act, the Hon'ble the Maharajadhiraja Bahadur of Burdwan observed: 'I frankly admit that a measure of this kind is an interference with private rights, but those rights have been clearly abused in many instances and it is the duty of Government, as guardian of the public rights, to prevent private persons from abusing their privileges where their abuse deprives the public of the necessities of life . . . Where profiteering becomes a general and flagrant abuse, that State control in an economic sphere can be most easily justified.'

Your Excellency's Government have been doing much to cope with the rice difficulties by putting a restriction upon large export, importing Burma rice and controlling its distribution, but it is evident that really appreciable relief has not been yet secured. The distress and sufferings of the people have already become very acute. For real relief two things are necessary first, the arrangement for cheap supply by direct purchase and sale at Government depôts at cost price or by licensed vendors at small profits, and, secondly, the restriction of unreasonable profiteering. The Committees appointed can suggest means for the first, but Government interference by special legislation is necessary for the second, as has been done in the case of the Calcutta house rent.

Under these circumstances I have been encouraged to submit the proposed measure for enactment exactly on the lines of the English Profiteering Act. The English Act may not have been a complete success in England, but it is still in the statute book there serving some useful purpose. The measure is a short one for temporary duration. It has been fully explained in the Statement of Objects and Reasons. That there is a public demand for such legislation admits of no doubt. The matter has been fully discussed in this Council and in the public press, and it is not necessary for me to dilate further upon it."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, following what has been the usual procedure in the past, I propose to regard the present motion for leave to introduce the Bill as a formality, reserving my remarks as to the attitude of Government to the second motion, which is for reference to a Select Committee."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 7.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Monahan, the Hon'ble Mr. Blackwood, the Hon'ble Mr. McAlpin, the Hon'ble Mr. Marr, the Hon'ble Mr. Donald, the Hon'ble Mr. Provash Chunder Mitter, the Hon'ble Rai Radha Charan Pal Bahadur, the Hon'ble Dr. Suhrawardy, the Hon'ble Babu Akhil Chandra Datta, the Hon'ble Babu Surendra Nath Ray, the Hon'ble Rai Mahendra Chandra Mitra Bahadur and the mover.

He said—

"My Lord, in moving this motion, I beg leave to add to the Select Committee a Muhammadan gentleman. I propose the name of the Hon'ble Dr. Suhrawardy, who has agreed to serve on the Committee. I think in a matter like this, every community should be represented."

The Hon'ble Sir Henry Wheeler said:

"My Lord, it is just a month ago that in Calcutta we had a lengthy discussion on this general question of profiteering, and I hoped that in the light of that, the Hon'ble Mover would have thought it wiser to drop this somewhat ill-starred measure. However, he has not deemed it desirable to do so, and we were therefore looking forward to hear from him a full justification of the provisions of this measure which he seeks to pass into law. Instead of that hope being gratified, I cannot but think that the Hon'ble Member has proved but a poor sponsor to his own proposal. We have heard a good deal in the near past, and we have now heard again, of the previous recent discussions on the subject of profiteering, and we have also to day heard once more the history of the supply of standardised cloth, together with the hope that that system may be renewed in the near future. So far as I can see, the question of standardised cloth is one with which the Bill has absolutely nothing to do. Apart from that, instead of a proud father leading his offspring by the hand into this august assembly, pointing out its beauty and emphasising its wisdom to the assembled members, I cannot but feel that we have the Hon'ble Mover proving himself rather a hard hearted parent who has left his poor little Bill outside on the mat. I do not wonder at it. There are features in the poor boy's face that will not bear scrutiny, indeed, to judge by the latter portion of his speech, the Hon'ble Mover himself has difficulty in distinguishing his features. However the progency in his own, and the method of its introduction is his own. For my part, I do not propose to recapitulate the criticisms and remarks on the subject of profiteering generally which I made at our recent Calcutta meeting, and I will confine myself as closely as possible to examining the clauses of the Bill.

The Hon'ble Member has said that he is following the English model, but he is really following what was known as the Profiteering Act of 1919. It is unfortunate for him that, so far as we can gather, that Act has been scrapped at home in favour of one of 1920, of which, I regret, we have not been able to obtain a copy. But the fact remains that another Act has been brought in in 1920, presumably on account of defects which were discovered in the earlier measure. However, the Act of 1919 is the model which, in a way, his Bill somewhat closely follows, although there are several important points of difference. The English Act, by section 1, gives to the Board of Trade practically the powers—which the Hon'ble Member confers in clause 2—very extensive powers—conferred in England, I may point out, on a very responsible body, viz., the Board of Trade. Section 2 of the English Act enables the Board of Trade again to set up local committees following, in a manner, the Hon'ble Member's clause 3. Sections 3 and 4 are the precedents of the Hon'ble Member's clauses 4 and 5; he has omitted the provisions of appeal which are in the English section 5, and has ended up with a clause 7 about incidents of expense, which is more or less on the English precedent. So he has, in a way, copied the English Act, but with differences.

Sir Henry Wheeler.

The main feature of the English Act is that it vests the really drastic and far-reaching powers in the Board of Trade, and, read with the circular which the Board of Trade issued, outlining the procedure in accordance with which they proposed to act, it appears that, although they had the power to do so, they had no intention of making over the most important powers to any body else. That is the essential point to remember. The Board of Trade kept all investigations into wholesale transactions, and, most important of all, the fixing of prices, in their own hands, advised by a very strong central advisory committee As regards local committees, all that the Board of Trade did was to authorise local bodies to constitute them if they wished to do so, but so far as we can gather, it was distinctly said that there was no intention of compelling them to do so. These local committees again had power only to enquire into complaints in connection with retail transactions A man might complain to the local committee of the prices charged at a local shop; the committee thereupon might make enquiries--no more.

I said in Calcutta in July that as far as we could make out, the Bill at home has not been a success. It was criticised at the time it was brought in, and we know, as an obvious matter of fact, that it has not effected at home a large reduction in prices. We have seen the reports of a few proceedings, which mostly seem to have had but a slight effect, but beyond that, very little of a practical character appears to have been achieved, and looking at the remarks of Sir Auckland Geddes in introducing the Bill, there are one or two points which are worth notice. Sir Auckland Geddes, although he admitted that profiteering was prevalent, yet was particular to say that high prices by themselves were not caused only by profiteering. His actual remarks were as follows:—

'High prices by themselves are not caused only by profiteering, in fact, given high prices for all, I am quite sure that the work which will have to be done under this Bill, when it becomes law, will show that a very great deal of what has been called profiteering, of what has been believed to be profiteering, is not profiteering.'

Sir Auckland Geddes also preceded the example of the Hon'ble Member in thinking it well to apologise in advance for his child, and again, what were the first arguments which he laid before the House of Commons in justification of his proposals?

They were a desire to encourage export discourage import, and improve the exchange position. Those were the arguments upon which he laid stress But those very arguments cannot be urged in this country. Hon'ble Members opposite are mostly of opinion that we should diminish exports from this country: that we should curtail exports in order that the people of this country may have the benefit of the articles of food produced in the country. That is the precise opposite of what Sir Auckland Geddes desired at home. Again, if the Bill discourages the import, say, of cloth, in the result half the population of the country will go unclothed. We should do well, therefore, to pause before we accept the home measure as adequate justification for a similar enactment in this country.

So much for the home Bill; I now pass to the present one. The first thing which must strike anybody in looking at this Bill is the extraordinarily wide powers which the Hon'ble Member desires to put into the hands, not of responsible--highly responsible--bodies like the Board of Trade at home, but into the hands of Collectors and Chairmen of municipalities. They will have the power to fix prices, to receive and investigate complaints, and to do various other things materially affecting production and distribution This power is to be given to the Collector, who, whatever his many merits may be as an administrator, is not particularly fitted to exercise it. It is to be given to the Chairman of a municipality, who is now generally a non-official, and has presumably risen to this eminence rather on account of his civic virtues than

for any specialised knowledge in these matters. Government, too, is interested, because for any lapses which these gentlemen may commit, Government may be mulcted in costs. Surely the difference from the precedent is somewhat marked. Then, again, in following the English precedent as regards local committees, the Hon'ble Member has made two most important changes; he has departed from the English precedent, which allows a local authority, if it so wishes, to appoint a committee; he has given absolute powers to the local Government to establish a committee. Again, he would allow these committees to fix prices a power withheld at home. Therefore in two most important respects, he has departed from the English precedent More over, the expenses of local committees may be charge upon the rates. I do not know whether Hon'ble Members contemplate with satisfaction charges of somewhat indefinite amount being placed on district boards and municipalities under the sole orders of the local Government.

These criticisms, perhaps, indicate sufficiently the grounds on which, so far as this Government is concerned, we feel bound to oppose this measure. There is no justification for quoting the English precedent as a success, but even more important is the fact that in this matter we cannot have particular powers exercised in one province only. This measure is introduced as a provincial one, and we can obviously only legislate for Bengal The English Act had at least the advantage of legislating for the whole country, that country is also an island where imports can far more easily be controlled than here. This Bill only deals with one province If we pass it here, what is going to happen? We shall have pressure put upon an energetic Collector or a vigorous Chairman, who, perhaps, impressed by the complaints of his neighbours in the bazars, will proceed to exercise those powers which the Bill will give him. He will commence control, he will attack merchants, call for their books, standardise their profits, and fix prices What will be the result? Obviously the local trade will go to the adjacent districts, where possibly, there is a Collector or Chairman, equally capable, equally virtuous, but possibly imbued with slightly more discretion, and the energetic officer will merely find that he has worked to the advantage of his neighbour. This is bound to happen in a province like Bengal, with Bihar and Orissa on one side and Assam on the other. So far as we know, none of these provinces are contemplating measures of this kind. Obviously if our officers were to put it into force on a large scale, grain would drain out of Bengal into these neighbouring areas, and would drain out, moreover, in a way impossible to control, since although we can exercise a certain amount of control over railway consignments it is impossible to exercise control over rivers and roads, which are important channels for export from this province That, Sir, is a fundamental objection to this Bill, and even if it were granted that the measure is justifiable in itself, it is obvious that, if it is to be enacted at all, it must be enacted in the Imperial Council. Finally, my objection to the Bill as I have already said, is the absolute unsuitability of the machinery which is sought to be set up to exercise the functions which are provided for: they are to be laid upon Collectors and Chairmen of municipal bodies who have neither the knowledge nor the experience, nor the agency to their hands, even to attempt to discharge these duties.

If, Sir, the facts are as I have outlined, a Bill of this kind can only be one of two things; it will either be a dead letter—people will be frightened of it and will take no action under it—or it will give rise to the most appalling confusion. We cannot contemplate with equanimity the possibility of the entire dislocation of the trade of the province which might result from a measure of this kind, and therefore we propose to vote against the present motion."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said:—

"My Lord, I ask permission to discuss some of the principles of the Bill. I am aware of the fact that in this Council some of the points raised in the Bill were discussed. The Hon'ble Mover of the Bill has in his Statement of

Rai M. C. Mitra Bahadur.

Objects and Reasons explained to the Council that deliberate profiteering has been going on. I was thinking of getting up a report from our committee which has been formed for the purpose of enquiring into the fact as to whether there is profiteering or not, but before I could get the report I find that my Hon'ble friend has asked leave to introduce a Bill on this very subject. It is an item of anxious consideration both for the members of this Council and the people of Bengal. There is no doubt that there has been a rise in the prices of food-stuffs and cloth. There is no gainsaying this. In my questions put in Council from time to time I have brought this before the notice of the Council. I would have welcomed an all-India Bill. The object of the present Bill is limited in its scope, and those who know anything about trade cannot but see that if Bengal pass the Bill there will be great difficulty from the commercial point. Bengal cannot rule Bombay, nor can Madras, Calcutta. The traders in Bombay will not be controlled by injunctions from Bengal. These are the difficulties which I have noticed. Then, again, one of the principles of the Bill is that the Chairmen of municipalities or the Collector will control prices. If the Chairman of the municipality or the Collector did exercise jurisdiction, an unanimity of rate cannot be established; there is sure to be a difference of opinion, and the members of the Select Committee would have to consider this point very carefully. In one area a rate is fixed, and in another area there is a lower rate fixed, so the mahajans and traders would naturally go to the latter place. This is another difficulty. In England there is the Board of Trade composed of men of great experience in these matters. They are in a position to understand how far trade will be affected by the control of prices. This is not the case here, where there is no Board of Trade. But if the Bill is defective in that respect, the members of the Select Committee are expected to introduce such further proposals as would meet the case. The whole Act has been based on the English Act which, as Sir Henry Wheeler has pointed out, has been superseded. Whatever it is, this is a matter of the utmost importance and anxious consideration of the people of Bengal in the hope that some effective steps should be taken. I myself have always found a difficulty in the discussion of such matters as the fixing of prices. Your Excellency must have noticed in the report of the Commission on Food-stuffs, that it is very difficult to fix the price of things. The fixing of prices in Bengal depends on various factors, therefore, if the fixing of prices is determined upon, then the matter should be approached from different aspects. Then, again, the normal condition of prices is subject to changes. Even if the Chairman of the municipality or the Collector of the district is to fix the price, then he will not be able to avoid the difficulty. The rice trade depends on the will and intention of many people in foreign districts. I use the word 'foreign' in the sense that in that district where rice is not produced. The traders of Ramkristapur rule the rates. They lay down certain rates and these rates are followed in the several markets. I expect that the Select Committee will also deal with this question. I will give another concrete example, take for instance the cloth question Bombay rules the market and Calcutta merchants have to follow their lead. Leaving concrete examples aside, the question turns on the fact whether this Bill, as drafted, will put a stop to the rise in prices. That is a matter which should also be considered by the members of the Select Committee, and I hope and trust they will be in a position to do this. There is another principle which has been discussed by the Hon'ble Member. In clause 10 it is distinctly pointed out that no provision of the Bill would apply to export. In an earlier Council we discussed the matter in all possible aspects. If you prohibit exports from a good district, how will the Chairman of the municipality or the Collector be in a position to control prices? So the Hon'ble Mover seems to think that exports ought not to be prohibited. Here, again, I hope that members of the Select Committee will be in a position to tackle the problem. The Bill, I am sorry to say, does not treat the subject in all its aspects. As a member of the Council I feel it my duty to point out the difficulty, which I hope the Hon'ble mover will consider. My Lord, I do not wish to discuss the other principles of the Bill. If Bengal

passes the Bill, probably Bombay will follow suit, and Madras also, but if they do not do it, we shall be stranded."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, I appreciate the difficulties mentioned by Sir Henry Wheeler, but I think that it is a measure which will deal with only one question, and that is profiteering. It is desirable, no doubt, that such an Act should be passed in the Imperial Council, but I think that is no reason why we should not try to frame a measure for our particular province. The enquiry under the Act would be a very simple one. The Collector outside the municipal area and the Chairman within the municipality will enquire and examine the papers and books produced before him, and, taking local circumstances into account, decide whether there is profiteering or not. If really the cost of production is very great and if there is no undue or unreasonable profiteering, no control need be exercised, and the people will be satisfied to know that upon enquiry it is found that the trades people are not at fault. There is a general impression all over Bengal that profiteering is going on in an unreasonable scale. It is not to be apprehended that the Chairman of the municipality or the Collector would not take the local circumstances into account or would take drastic measures in such a way as will interfere with the general trade or drive it away from the district. My friend the Hon'ble Rai Mahendra Chandra Mitra Bahadur thinks that different prices might prevail in different localities, and it is quite reasonable that different rates should be fixed for different districts. Local circumstances will have to be considered; but, in considering them, I do not think that any serious difficulty will arise. There should also be no difficulty in administering the power conferred upon the Collector or the Chairman. True there is no Board of Trade in India, but even if there were one in Calcutta, it could not control prices in mufassal areas, where the establishment of local committees would have been necessary; but I think in India the Collector is the safest person who can deal with this question. In these circumstances a measure of this kind is necessary, at least it can do no harm. If upon enquiry it is found that there is no profiteering, then the prices should not be interfered with. There will be no real difficulty in the way. I agree with my Hon'ble friend that the members of the Select Committee are expected to examine the question from all its different aspects, and if any change is found necessary, to make them in the Bill. But that is no reason why the Bill should not be proceeded with at this stage. I have already explained how the committee has been formed, and we expect very useful suggestions from the committee; but, as I have already explained, without an Act, without being compelled by law, trades people will not submit their books and papers, and so there will be no means of checking profiteering. The most important thing is to examine the account books, because they will show whether the trades people are making a reasonable profit, or are profiteering on the public."

The motion being put, a division was taken, with the following result:—

Ayes—5.

The Hon'ble Sir Nilratan Sarkar, Kt.
" " Mr. Altaf Ali.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Kishori Mohan Chaudhuri.

Noes—17.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.,
" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

Ayes—5.

The Hon'ble Babu Sarat Chandra Chakrabartty.

Noes—17.

The Hon'ble Sir Charles Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Mr. F. J. Monahan.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. M. C. McAlpin.
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. G. N. Roy.
" " Mr. A. Marr.
" " Mr. W. W. Hornell, C.I.E.
" " Khan Bahadur Maulvi Aminul Islam.
" " Sir Rajendra Nath Mookerjee, K.C.I.E.
" " Mr. C. D. M. Hindley.
" " Mr. M. Cathcart.
" " Mr. R. M. Watson-Smyth.

The following members abstained from voting:—

The Hon'ble Mr. W. L. Travers, O.B.E.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Khan Sahib Aman Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Akhil Chandra Datta

The following members were absent:—

The Hon'ble Mr. J. R. Blackwood
" " Mr. J. Donald, C.I.E.
" " the Nawab Bahadur of Murshidabad.
" " Mr. F. M. Leslie
" " Mr. Aminur Rahman.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter, C.I.E.
" " Babu Siv Narayan Mukharji
" " Kumar Shib Shekhareswar Ray.
" " Babu Brojendra Kishor Ray Chaudhuri
" " Mr. Arun Chandra Singha.
" " Rai Debender Chunder Ghose Bahadur
" " Rai Radha Charan Pal Bahadur.
" " Mr. A. D. Pickford.
" " Mr. W. H. Phelps.
" " Maulvi Abul Kassem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Babu Bhabendra Chandra Ray.
" " Babu Surendra Nath Ray.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.

The *Ayes* being 5 and the *Noes* 17 the motion was lost

Babu A. C. Datta.

RESOLUTIONS

(under the rules for the discussion of matters of general public interest).

LIST OF BUSINESS—ITEM No. 8.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

This Council recommends to the Governor in Council that a recommendation be made by the Government to the Government of India—

(*a*) that the following scheme of pay by time-scale for the Subordinate Civil Service be adopted, namely:—

(*i*) for probationers Rs. 150 in the first year and Rs. 175 in the second; and

(*ii*) for confirmed officers Rs. 200 rising by biennial increments of Rs. 30 to Rs. 500 in the 24th year of total service, with a selection grade for 6 *per cent.* of the total cadre on a pay of Rs. 600, and with an efficiency bar between the pay of the 11th year and that of the 12th; and

(*b*) that the scheme outlined above be given retrospective effect from the 1st December 1919.

He said—

"My Lord, much has been said recently as regards the position and prospects of this class of officers, and if even in spite of that I have ventured to bring up this matter in this Council, it is only in response to the invitation of the Government for public opinion about this resolution, which was published on the 21st June last, recommending a certain scheme of reorganisation for adoption by the Government of Bengal. In moving my resolution, my Lord, I must thank the Government on behalf of these officers, as also on behalf of the public for the initiative which Government has been pleased to take for improving the pay and prospects of the Sub Deputy Collectors. The whole question now is, whether the scheme is adequate or not. Now, my Lord, I do not think I can plead this case of this service more eloquently than has been done by so many high officials, who are more competent to speak on the subject. For instance, the present Chief Commissioner of Assam has stated that 'in the first place, the most important reform which I advocate is the amalgamation of the Subordinate Executive Service with the Provincial Service. Taken as a body, there is very little difference between the two services in the matter of the qualification of the recruits. In fact, those entering the Subordinate Executive Service are often superior to those entering the Provincial Civil Service. It is most galling to a man to see another man whom he has surpassed at the University, placed at once in a position to which he himself can attain after many years of drudgery. The two services should be amalgamated.' I might also refer to the opinion of Mr. Oldham, who says: 'There is a great deal of dissatisfaction among the members of what is called the Subordinate Civil Service—the Sub-Deputy Collectors. These officers feel, and with a reason, that although they are recruited from the same classes as the members of the Provincial Service and have similar educational qualifications, there is a marked difference in their prospects of advancement and in the position which they hold in the eyes of the public and of their brother officers. As at present constituted, I think the two services should be amalgamated.'

So, according to these high officials, the grievances of these Sub-Deputy Collectors are not merely fancied once, but most reasonable and legitimate grievances. Another high official remarks: 'what we are really doing just now in the case of Sub-Deputy Collectors is that we are practically treating

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them as a cheap kind of Deputy Collectors. As a matter of fact, we are really using them for Deputy Collector's work. There is the work and it has to be done, and they are the men suitable for doing that work. There is no real distinction between the duties of Sub-Deputy Collectors and Deputy Collectors, and they ought to be on the same scale and bear the same name."

Now, my Lord, the whole question is whether the scheme which has been proposed by the Government is the scheme which can satisfy this service. Now I think I am only voicing the real feeling of these officers when I say that they consider that the scheme is not adequate. The scheme which I have submitted in this resolution is a scheme which has been put forward by these officers, both, if I am correct in saying, to Government as also in the press, and having regard to the position that Government has already taken with regard to this matter in their resolution of the 21st June, namely, that it is no longer considered that the emoluments should be distinctly limited by considerations of supply and demand, that is one principle which can be recognised. Another important fact in this connection is that the cost of living has increased since the rates now existing were adopted; and then, my Lord, it has also been decided that the service should be a career in itself for educated men. That being so, and the idea of the amalgamation of the Provincial and Subordinate Services having been practically abandoned, I think the scheme that has been put forward by these officers for adoption is quite reasonable and proper. I do not think any useful purpose will be served by speaking at greater length on this subject. The whole subject has been threshed out on many occasions. I will only submit this scheme for the reconsideration of this Council. In this connection I would add only one word, and that is this: the Village Self-Government Act has been introduced, and rural societies have been formed in most of the districts, and the very important task of the organisation of these societies has been entrusted and will continue to be entrusted to circle officers. It has also been decided finally that circle officers will be recruited exclusively from among the Sub-Deputy Collectors, and it is very properly said in the resolution of the 21st June that on account of the part played by them in the administration of the Village Self-Government Act, their position should be improved so as to make them contented with their lot. I think their duties will be extremely responsible and important ones, and if these officers are not made quite content with their position—I may be regarded as an alarmist, but still I may be allowed to sound this warning—that with a class of discontented and dissatisfied officers who are organising many village societies, I do not think that it will be quite safe either for the people or the Government. From their position as Government officers, they may unconsciously draft into something like dissatisfied agitators, so if there is any just grievance on the part of these officers, it is good both for the Government and the people that these grievances should be removed and they should be made to feel that the Government, whatever their faults might have been in the past, that they have not been unfairly treated by the Government, and they ought to feel that justice will now be done and that they will receive pay commensurate with their duties and responsibilities."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said:—

"My Lord, I wish to support this resolution. My view is that the pay of officers of the Subordinate Civil Service is not adequate for the work done by them nor for the dignity of their position. These officers come from the same class of society as the men of the Provincial Service: they are doing the same work as is entrusted to the members of the Provincial Service, and, if this is a correct view, certainly they expect Government to consider their claim for higher remuneration. The Hon'ble mover has brought to the notice of the Council the dissatisfaction that will prevail and the wish that the two services should be amalgamated to each other. The desire for

this is very keen. This is a matter of extreme importance to these officers. I hope Government will be pleased to consider these points. They have got to do work of the nature which is usually done by the Provincial Service officers, and it should be considered whether their pay is adequate or not, and I hope and trust that Government will give due consideration to this matter."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"I will not speak at great length. I only wish to speak on one point, and that is that consideration should be given to the subject of initial pay. The proposed initial pay is Rs. 150, this is not enough, and in these days it is impossible for these officers to manage their ordinary wants and to do the duty entrusted to them on such initial pay conscientiously. I suggest that the initial pay should be raised, and that the maximum pay should be raised to Rs. 600. With these words I support this resolution."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, this resolution has reference to the revision of the pay of one of the services which we are taking up in consequence of the reorganisations which followed the report of the Public Services Commission, and which have been affected by the very large enhancement in the cost of living since the war. In respect of the Subordinate Civil Service, we published our proposals in a resolution not very long ago. We then invited public opinion, and any member of the public is at liberty to furnish us with his views. It will be useful, as part of the answers to that reference, to have an expression of opinion of the Legislative Council, and we shall give all consideration to the speeches that we have heard to-day. Until we receive replies from all quarters, we do not propose finally to decide, and to that extent we preserve an open mind; but, on the other hand, I am not prepared to accept this resolution, as it would bind us to a certain course of action which, as I have said, we shall not decide upon until we consider the answers of others, and is a course of action which, *primâ facie*, we think, is in excess of the merits of the case. For that reason we shall oppose the resolution, although we will give due consideration to the arguments that have been used.

Now, Sir, on the merits of the matter, I would first of all invite the attention of the Council to the fact that the arguments that we have heard to-day from the three members who have spoken, mainly have reference to the old question of the proper position of the Sub-Deputy—whether the Subordinate Service should be amalgamated with the Provincial Civil Service, and whether, in effect, the lower service is not worthy of the hire of the upper one. That is an old general question which was debated last in July 1919 barely a year ago. The Hon'ble Mr. Kerr then gave a full explanation of the attitude of Government. He rebutted the arguments that are so often brought forward, about there being absolutely no difference between Deputies and Sub-Deputies, even if that distinction had become a little blurred owing to the circumstances of the war. He gave figures in detail showing that there *was* a difference, and that there was a need of a lower agency for which Government could not properly and economically pay at a rate given to a higher agency required to carry out more important work. I do not propose to go over that ground again; so far as Government is concerned that is a closed issue. We do not intend to amalgamate the two services, but we do hope to make the Subordinate Service a career worthy of the attention of any young man, and one which offers in itself prospects of a reasonable and meritorious livelihood.

Viewed from that standpoint, I put it to the Council that the proposals that we have made are fair and generous. In the first place, the Council should remember that this service is not now a very highly paid one. A young man comes into it on Rs. 50 a month, and he rises in four grades to Rs. 250

only. That is the present position, and we cannot fairly judge of future prospects unless we view them in the light of what an officer is now getting. Now in place of this present scale of remuneration, what are we proposing? We are proposing that a young man instead of coming in on Rs. 50, should come in on Rs. 125, that is a rise of 150 per cent.—a bigger initial rise than has recently been given to any other service. Then, in the second year of his probation, he is to get Rs. 150, and on being confirmed, Rs. 175, and so onwards, by increments of Rs. 25 to Rs. 350. Any time scale is in itself a liberal concession as compared with grade promotion. Under the present system it is a frequent complaint in every service, Provincial or Subordinate, that men get stuck in one grade for years. That will all be changed now. A man will have a clear run from Rs. 175 up to Rs. 350, as against Rs. 250 before. Over and above that, there will be a selection grade of Rs .400 for 3 per cent. of the men, and over and above that again, there will be a chance, to the extent of 35 per cent. of the actual vacancies, of getting into the higher service. I claim that these are good prospects, and a very substantial improvement over the existing position. The Hon'ble Member's scale is still more liberal. He wants Rs. 150 for probationers and Rs. 200 on confirmation, rising thence to Rs. 500 on a time scale, with a selection grade of 6 per cent. of the total cadre on Rs. 600. When we recollect that the present highest grade is Rs. 250, the extent of this enhancement will be better appreciated, and I say that no service has been given a proportionate rise in pay anything like equivalent to that.

If we look at the matter from the point of view of percentages, we get very much the same results. The top of our time scale is 40 per cent. above the existing maximum; under the reorganisation of the Provincial Civil Service the corresponding figure is only 6 per cent.; the Hon'ble Member wants us to raise it to 100 per cent. That, I say, is *primâ facie*, excessive. In the selection grade, under our proposals there is an enhancement of 60 per cent.; in the Provincial Service it is only 25 per cent., and the Hon'ble Member wants to go up to 140 per cent. Again, I say, that seems to us to be too much. The average pay under each year of the time scale, according to our proposals, improves by 38 per cent.; the Hon'ble Member wants an increase of 85 per cent. I cannot hold out any hope that we shall work up to the Hon'ble Member's figures, and I would ask the Council also to bear in mind the inadvisability of asking us to do too much in connection with the reorganisation of individual services. We have reorganised many services during the last few years; we have others still in hand. At the moment we are trying to do something for ministerial officers. All this means money, and there must be a limit to the extent to which the spirit of generosity should prevail.

Another important point to remember is this: all these services in a way hang together. In fixing a certain minimum or maximum for one, it is necessary to consider other services. There is a distinct relation between the pay of the Deputy Collector and the Provincial Judicial Officer. There is a distinct relation between the pay of the Sub-Deputy Collector and the men of other subordinate services. If we begin to give something in one quarter, we must be prepared to give something more in another. The question is far wider than Rs. 50 here or Rs. 25 there. I have tried to show by figures that we are dealing fairly by the Sub-Deputy Collectors in the proposals that we have made, and we hope to continue to do so. But we cannot agree to more than we think to be justified by all the circumstances of the case."

The Hon'ble Babu Akhil Chandra Datta said:—

"I must thank the Hon'ble Sir Henry Wheeler for assuring us that the rates of pay of Sub-Deputy Collectors will receive the careful consideration of Government, and that Government still maintain an open mind, and will make up their mind after receiving opinions from all quarters. At the same time it appears to me that Government is not favourably inclined so far as this

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scheme is concerned. There is no doubt that this scheme of the Government which is laid down in the resolution of the 21st June is a great improvement on the existing state of things. There is no doubt about that, but at the same time, in view of the increased cost of living, and the fact that there was a feeling that this service was neglected by the Government so long, and that these improvements were long overdue, and also in view of the feeling expressed by these officers about the scheme, I am honestly of opinion that this scheme is not likely to satisfy them. I am satisfied, my Lord, that the scheme that I have laid down in my resolution is the minimum that will satisfy these officers. I am perfectly aware of the difficulty of Government in view of the fact that one service is connected with other services, and that the claim of one service cannot be considered apart from another service. Then there is also the financial difficulty. There is no doubt about all this, but at the same time it is also important to consider as to whether the Sub-Deputy Collectors, by reason of the very important duties entrusted to them, will be satisfied with this increase. This is an old argument, but none the less there is a good deal of force in it. These officers have the same educational qualifications, and they come from the same circle as the Deputy Collectors, and yet, as the Hon'ble Sir Nicholas Beatson Bell has pointed out, while one gets a higher appointment, the Sub-Deputy Collector has to be content with less pay and prospects If the qualifications were different, then, of course, the remuneration might have been different But having regard to the fact that the principle of amalgamation has been abandoned it is only proper that they should be given much better pay than is being proposed for them now I would venture to put it like this What we should compare is this the position of the Deputy Collector according to his present position and the position of the Sub-Deputy Collector as proposed in this resolution The difference between these two services is so obvious that it operates on them most harshly, and it is this which makes them discontented Of course it is the same about other services too. These two services are identical from the standpoint of education, and if you can satisfy the one service, you can also similarly satisfy the other, otherwise the result will be that this new scheme will certainly give them a better position, but at the same time they will continue to be dissatisfied, and will not be satisfied with anything less than the scheme put forward by them. In view of this apprehension, I still hope that Government may find it possible to accept the scheme, if not as it stands, at all events with some modifications and will make such improvements upon the scheme of the Government as embodied in their resolution of the 21st June."

The motion was then put and lost

LIST OF BUSINESS—ITEM No. 9.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

"This Council recommends to the Governor in Council that a recommendation be made by the Government to the Government of India that 50 *per cent.* of the vacancies occurring in the Provincial Civil Service be filled by promotion of officers from the Subordinate Civil Service."

He said—

"My Lord, what has been proposed in this resolution of the Government is that 35 *per cent.* of the vacancies of the Provincial Civil Service be filled up by promotion from the Subordinate Civil Service. Now, my Lord, the recommendation of the Public Services Commission in this respect is the one which is contained in the resolution which I have the honour to move.

That recommendation is that 50 *per cent.* of the vacancies should be filled up by nomination from the Subordinate Service. I understand, my Lord, that a large percentage of promotions is given in other provinces. In Madras the percentage is 75, in Bombay 50 *per cent.*, so it is only proper that Bengal should also have 50 *per cent.* I do not know the feelings of the Sub-Deputy Collectors in this matter, but I can reasonably say that they are more anxious about it than anything else."

The Hon'ble Khan Sahib Aman Ali said :—

"My Lord, it is well known to Your Excellency's Government that the Deputies and Sub-Deputies are recruited from the same class of people who have the same educational qualifications. I have heard some Collectors say that among the Sub-Deputies there are many who are better than Deputies. Their work as Treasury Officers, Assistant Settlement Officers and Khas Tahsildars does not appear to me to be less responsible than the work of the Deputies They generally perform the work of second class Magistrates, and sometimes that of first class Magistrates. Therefore, such officers should be given a fair chance of getting into the higher service. I know that Government want to give them promotion on a very small scale, but if 50 *per cent.* of the vacancies are filled by promotion, it will satisfy the Sub-Deputies, and also the public."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, this resolution too has a bearing on the emoluments of the Subordinate Civil Service, because it deals with the prospects which are open to them of promotion to the higher Provincial Service. At present the Provincial Civil Service is recruited in two ways. To the extent of 35 of the vacancies men are recruited by promotion from the Subordinate Service, while the remaining 65 per cent. are recruited by direct appointment. The proposal in the resolution is that instead of 35 per cent. we should recruit 50 per cent. by promotion.

The respective merits of direct and indirect recruitment have been frequently argued in the past, and at very great length only recently before the Public Services Commission The arguments are fairly well known. In favour of direct recruitment, there are the advantages of getting tried men, men that Government have tested and of whose capacity they are aware. There is also the advantage that the chance of promotion materially stimulates the work of the lower service, whenever they can see before them the possibility of reward by promotion to the higher service. Among the disadvantages, there is the tendency that when a man is recruited by promotion he is usually somewhat old; it is inevitable that seniority counts, and the older the man, the less adaptable he probably is to new conditions. If, on the other hand, we give promotion to promising juniors, there results grave discontent among the seniors who are superseded. Another disadvantage is that to close the avenue of direct appointment may discourage some of the best candidates. The more brilliant men may say: 'In view of my better qualifications, I am willing to go direct into the higher service, but I am not going to wait for promotion.' So by recruiting indirectly to an excessive extent, we may lose very valuable recruits. All these arguments were threshed out before the Public Services Commission, and it would be folly to disregard their finding. That was distinctly in favour of direct recruitment, and they recommended that 'in the executive line 50 per cent. be laid down as the maximum amount to which promotion from the lower ranks should be permitted to extend.' It is to be remembered that the percentage of indirect recruitment was then very high in other provinces, notably Madras, the Punjab, the Central Provinces, the United Provinces and Bihar and Orissa. The Commission, therefore, could not make too radical a change all at once.

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They were content to put 50 per cent. as the maximum, and this was, in effect, in most provinces substantially to increase the proportion of direct appointments Reading their report, it is quite clear that they preferred direct recruitment. There is no reason to suppose that they looked upon our 35 per cent. as too low and wished it to be enhanced. But for the existing facts, they might have put the percentage elsewhere below 50. That is the last authoritative finding on the point, and as it accords with our present practice, I think it would be unwise to make a change.

There is this further objection. We are trying by our proposals in respect of the Subordinate Civil Service, to make a self-contained career which will attract meritorious young men But we destroy that idea of a self-contained career if we give too wide a prospect of promotion to another service. Everyone in the lower service then becomes discontented unless promoted to the higher.

For these reasons we do not think it desirable to make the alteration which the resolution proposes."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I have nothing more to add."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 10.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

"That this Council recommends to the Governor in Council that a recommendation be made by the Government to the Government of India that the Subordinate Civil Service be included in the list of gazetted services"

He said—

"My Lord, I am informed that under the present arrangement Sub-Deputy Collectors do not come under the rules about leave and pension as other gazetted officers. In view of this special information, I think this request is a modest one, and I hope you will accept it."

The Hon'ble Khan Sahib Aman Ali said:—

"My Lord, I support this resolution. The Sub-Deputies will not get more pay than at present, and so they should be treated as gazetted officers."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, I have just had to oppose two resolutions that had a bearing on the prospects of the Subordinate Civil Service, and it is therefore with pleasure that I can say that Government is prepared to accept this resolution.

The resolution deals very largely with a matter of *amour propre*. There are various definite principles which in the past have differentiated the treatment of Services, either as gazetted or non-gazetted and at the moment we are rather governed in this matter by orders of the Government of India which were passed in 1893, which drew a line of distinction making Subordinate Services generally non-gazetted. In those days questions of

this kind were judged, perhaps more so than now, or than is likely to be the case in the future, upon considerations affecting India as a whole, and the rule was probably framed not only in view of the Subordinate Civil Service here, but having regard also to the circumstances of like Services in other provinces. However, things have changed a good deal since 1893, and we are perfectly willing now to recommend to the Government of India that the Subordinate Civil Service of this province should be recognised as gazetted."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 11.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

"This Council recommends to the Governor in Council that necessary action be taken to amend the existing rules for the selection of jurors so as to exclude the possibility of a mixed jury contemplated by section 450 of the Code of Criminal Procedure, 1898 (Act V of 1898), consisting entirely of non-Indians."

He said—

"My Lord, at the very outset I am anxious to say that I am not going to raise any controversy on that highly controversial matter as to whether there should be a special procedure at all with respect to the general proceedings against Europeans and Americans. That is a controversy which I am not going to raise on the present occasion, and nobody not even excepting Mr. Watson-Smyth, need come forward with mailed fist to rush at me. What I mean to submit, my Lord, is this: how must we proceed to give real effect to the law as it now stands? I mean the law as laid down in section 450 of the Criminal Procedure Code. There it is laid down that 'in trials of European British subjects before a High Court or a Court of Sessions, if before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by a mixed jury, the trial shall be by a jury of which not less than half the number shall be Europeans or Americans or both Europeans and Americans.' What is contemplated is a mixed jury of which not less than half the number shall be Europeans. That is the provision, my Lord. The section does not go further than this, and does not state as to how the jury should be chosen. This is a matter that is provided for, not by the Criminal Procedure Code, but by the rules on the subject framed by the High Court. Now let us see if the rules on the subject really give effect to the spirit of this section. That rule is here. In a case in which not less than half of the jury must be either European or American or both Europeans and Americans, the jury shall be chosen somewhat in the following manner: First, the usual procedure would be followed until the necessary number is completed, and then from among the jurors summoned to attend, the necessary number will be chosen by lot in the manner prescribed by rule 54. The procedure is this: if a mixed jury is to be chosen under section 450 of the Criminal Procedure Code, then Europeans and Indians are summoned. As regards the first portion of this rule, the procedure is this: if 5 jurors are to be chosen under section 450, not less than half shall be Europeans; that is 3 Europeans jurors are selected according to procedure by lottery out of the European jurors summoned. Then two more are to be selected. The whole question is how these two remaining jurors are to be selected. They are selected out of the rejected jurors by lottery, and it may so happen that they may be Europeans, and that not a single Indian may be selected. My Lord, I am not thinking of

any hypothetical case. What urged me to bring the case before the Council is this: in the well-known Silchar shooting case, the result according to the jurors selected according to this rule was this. First of all 3 Europeans were selected, then the remaining two, both were Europeans, and the result was that it was a jury consisting exclusively of Europeans. I think, my Lord, there is no doubt that section 450 did not contemplate a jury like this. The jury contemplated by section 450 was a mixed jury. A mixed jury of 5 Europeans is certainly a misnomer and contradiction in terms. It is to remove this anomaly, my Lord, that I propose that the rule be changed so as to exclude the possibility of an entirely non-Indian jury, and this can be done in this way. First of all let us have 3 European jurors selected from out of the European jurors summoned. The remaining two should be selected only out of the Indian jurors summoned, and not out of the whole body of the rejected Europeans and Indians. That was obviously the intention of the legislature, and in order to carry out this intention, it is now proposed that the rule should be amended in that way

Now, my Lord, it is certainly only natural that a European should be anxious to be tried by his peers, and so also are the Armenians and Indians, and so the provision of the law is that not less than half the jury shall be Europeans. Therefore, we must expect that out of 5 jurors, 3 must be Europeans and at least the remaining two should be Indians That is my point. I hope that Mr. Watson-Smyth also will sympathise with me in this. I am not proposing any amendment of the law, nor anything improper I do not like to take up the time of the Council, and I hope I will have the support of the European members."

The Hon'ble Mr. Travers said:—

"My Lord, the Hon'ble mover of this resolution has, in his explanation to the Council, forgotten the case which may arise in which both parties are Europeans, and I hold, my Lord, that in such cases, it will be an advantage, and it would be only just and right, that then the whole of the jury should be European. In regard to cases which the Hon'ble member has mentioned, I am inclined to agree with him that there would be no objection to the change in procedure which he has laid down, but before I support it, I should like some amendment in regard to the cases in which both parties of the case are Europeans If such an amendment is not possible, my Lord, I think no change in the section is either desirable or necessary."

The Hon'ble Mr. Cathcart said:—

"My Lord, I also wish to oppose this resolution on the ground that there is neither necessity nor valid reason for it In spite of what the Hon'ble Mover has said, I must say I fail to see either If the Hon'ble Mover is afraid that a European will not be adequately and impartially dealt with by an entirely non-Indian jury, I maintain that he can have no just ground for this theory, and if his object is to extend the principle of increased Indian representation under the new reforms, even to juries that are to try Europeans, then I think he is carrying the thing to a rather ridiculous length. Therefore, my Lord, as I can see no reason for this resolution, I beg to oppose it."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

"My Lord, from the wording of the resolution it was not possible for Government to quite make out what the Hon'ble Babu Akhil Chandra Datta

had in view. He has explained to this Council the object for which he has brought this resolution here to-day. I take it that what he is really pressing for, is, that section 450, according to his interpretation, provides for a mixed jury, but that in certain instances, the jury has been entirely non-Indian. The rules relate to Chapter 33 of the Criminal Procedure Code with regard to the trial of Europeans and Americans. Section 450, to which I have already alluded in that Chapter, confers special privileges to European British subjects, and it is for consideration whether, as a matter of policy, the rules should be discussed in this Council. Moreover, the rules which are to be amended are framed by the High Court in the exercise of the powers vested in them by section 276 of the Code. The amendment of the rule is therefore within the competence of the High Court, and not of this Government. In the circumstances I do not think that it is desirable to move or accept this resolution in this Council. For this reason, the reply of the Government must obviously be brief, viz., that the local Government do not make these rules, neither can the local Government be justified in addressing the High Court on the subject. As, however, the Hon'ble mover of this resolution has brought certain facts to the notice of Government, I propose to bring to the notice of the High Court the discussion in Council to-day, but it must be clearly understood that the High Court must be the authority to decide as to what should be done. For these reasons, my Lord, I am unable to accept this resolution."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I am glad to find that my question has received some support from the Europeans. The first Hon'ble speaker drew a distinction between two kinds of cases, where both the parties are Europeans, and where one party is European and the other Indian, and he maintains that where both the parties are Europeans, they have no objection to the entire jury consisting of non-Indians. That is something with which I do not quarrel, as it is perfectly justifiable, but when I brought up this matter before the Council, I was really thinking of the case where one party is a European and the other an Indian, and therefore the jury should not consist exclusively of non-Indians. That is a position which I am quite willing to accept. Now, as regards the objection pointed out, it appears to me, my Lord, from the tone of the speech of the Hon'ble Maharajadhiraja Bahadur of Burdwan—this is how I understand him—that as far as the justice of the matter is concerned, Government has no exception to take to my resolution. It is, however, pointed out that the rules on the subject are framed by the Honourable High Court, and not by the provincial Government and therefore it is not within the ordinary scope of the duties of the local Government. I quite see the force of this argument, my Lord, but it is not as if that aspect of the question did not strike me. I did understand that, but I thought it better to bring up this matter before this Council, because, as a member of the Council, I can only draw the attention of the Government and the Honourable High Court to matters like this, and in my capacity as a member of the Council, I cannot move the Honourable High Court direct. This is the reason why I have taken this course. I was only anxious to draw the attention of Government and of the High Court to this aspect of the case, and I am glad to have the assurance that the whole discussion on this matter will be communicated to the Honourable High Court. At the same time, I really hope that, although the matter really rests finally with the Honourable High Court, Government will express their opinion on this question, leaving it to the Honourable High Court to decide the matter finally."

The motion was then put and a division was taken, with the following result:—

Ayes 9.

The Hon'ble Sir Nilratan Sarkar, Kt.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Khan Sahib Aman Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Kishori Mohan Chaudhuri.
" " Babu Sarat Chandra Chakrabartty.

Noes 16.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " The Maharajadhiraja Bahadur of Burdwan, K.C.S.I., K.C.I.E., C.S.I.
" " Sir Charles Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr H. L. Stephenson, C.S.I., C.I.E.
" " Major-General W. H. B. Robinson, C.B., I.M.S.
" " Mr F A. A Cowley, C.I.E.
" " Mr M C. McAlpin.
" " Mr L. S S O'Malley, C.I.E.
" " Mr G N Roy.
" " Mr A Marr.
" " Mr W W Hornell, C.I.E.
" " Khan Bahadur Maulvi Aminul Islam
" " Mr C D M Hindley.
" " Mr. M Cathcart
" " Mr R M Watson-Smyth
" " Mr W L Travers, O.B.E.

The following member abstained from voting:—

The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.

The following members were absent:—

The Hon'ble Mr. F. J. Monahan.
" " Mr. J. R. Blackwood.
" " Mr. J. Donald, C.I.E
" " the Nawab Bahadur of Murshidabad.
" " Mr. F. M. Leslie.
" " Mr. Aminur Rahman.
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter.
" " Babu Siv Narayan Mukharji.
" " Kumar Shib Shekhareswar Ray.

The Maharajadhiraja Bahadur of Burdwan; Babu A. C. Datta;

The President.

The Hon'ble Mr. Arun Chandra Singha.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Mr. A. D. Pickford.
" " Mr. W. H. Phelps.
" " Maulvi Abul Kasem.
" " Maulvi A. K. Fazl-ul-Haq.
" " Babu Bhabendra Chandra Ray.
" " Mr. Altaf Ali.
" " Babu Surendra Nath Ray.
" " Babu Mahendra Nath Ray, C.I.E.
" " K. B. Dutt.

The *Ayes* being 9 and the *Noes* 16 the motion was lost.

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

" My Lord, as the Hon'ble mover put the resolution to the decision of the Council, and the Council has decided against it, I think the obligation of Government to represent the case to the Honourable High Court no longer holds good."

The Hon'ble Babu Akhil Chandra Datta said:—

" I must say, my Lord, I am much disappointed with this announcement. I do not think the situation is changed."

The President said:—

" Order, order. The Hon'ble Member cannot further discuss the resolution that has already been disposed of; he must discuss the next resolution."

The Hon'ble Babu Akhil Chandra Datta said:—

" I beg Your Excellency's pardon."

LIST OF BUSINESS—ITEM No. 12.

The Hon'ble Babu Akhil Chandra Datta moved the following resolution:—

" This Council recommends to the Governor in Council that a committee of officials and non-officials be appointed to investigate into the criminal

Babu A. C. Datta.

proceedings instituted in 1919 at Howrah by Babu Bankim Krishna Ghosh, Executive Engineer, and some of his neighbours against the police and to report what action, if any, should be taken to bring to book all public servants who may be found to have offended against law and justice and to have abused their official position and who may be found to be guilty of gross dereliction of duty in dealing properly and effectually with all the matters involved in the said proceedings."

He said—

"My Lord, I have found it my unpleasant duty to refer to this case, in which I find that police constables were guilty of something very gross, and that the authorities instead of punishing them properly, tried, if not to whitewash them, but in any case, they seemed to have not realised the responsibility of their position in a matter like this. Now what are the facts. I am anxious to lay them before the Council, and I know I shall have to state the facts in an absolutely accurate manner I mean that the facts should not only be true, but as they have been found to be true by the Court, including the Honourable High Court What happened was this. Three poor women were selling vegetables in front of a house at Howrah on private land belonging to a certain gentleman, who is a responsible servant of Government, Babu Bankim Chandra Ghosh, an Executive Engineer. A constable, by name Murubbi Singh, true to his name, came up to these women and demanded some pice from them, on the allegation that they were selling vegetables on municipal land without a license. This is what he did. I can well understand a poor constable, or for the matter of that, persons in a better station in life than the constable, asking for bribes. I am not expecting any Utopian standard of modesty on the part of public servants, not to speak of constables, but what was most demoralising is that it has been found by competent authority that this constable was demanding pice from these women in the presence of several gentlemen Now these poor women refused his demand, and then he wanted to arrest them An altercation took place. The owner of the house next door turned up, and he found that these women were being ill-treated for nothing, and therefore he took down the number of the constable, just to bring the matter to the notice of the higher authorities. Then another gentleman, the owner of the land, Babu Bankim Chandra Ghosh, turned up and wanted to know what the *golmal* was about. He said that the land on which they were selling vegetables was his land, and not municipal land. He told the constable, if he thought they were on municipal land, they might be arrested and taken to the thana, and thus avoid a scene taking place on the public road Then what followed was this. The women were arrested and were being taken to the thana with their vegetables, but the fact that his number was taken down had enraged the constable, and he, while taking the women to the thana, sent word to the officer in charge of the thana that they were being assaulted by some Babus. It has been found even by the Honourable High Court that these are the facts. On receipt of the information, the officer in charge of the police-station sent a party of constables, headed by a head constable and a sub-inspector. This party appeared on the scene and arrested the son of the Executive Engineer and assaulted him. The father was taking his meals at that time and when he came out he found that his son had been assaulted. The party had then already entered the compound of his house He remonstrated with them, upon which this responsible officer of high position was given a *lathi* blow on his arm by the head constable, and another constable gave him another blow on his shoulder. He was then arrested, brought to the public road, where in the struggle his *dhoti* dropped down, but he was not allowed to adjust it, and was taken to the thana almost naked. His son-in-law came out, but he was

also arrested; and if the statements of a respectable gentleman of his position is true, the wife of the Executive Engineer who also came out, was also assaulted. The Executive Engineer and his son were marched off to the thana. A neighbour came out to protest, and he was also assaulted and arrested. Another neighbour came out, and he was also assaulted and arrested, so the number of the assaulted people swelled as they went on. Then two other gentlemen came up, and they wanted to go to the court to give information. These two gentlemen were also arrested on no other ground but just to prevent them from going to the court. The three women, mentioned before, were also made to join the party, and they were all marched off to the thana. This happened on the 2nd of July. Immediately a complaint was lodged, and the matter was enquired into by a Deputy Magistrate, who found distinctly that the police version was false, but the Engineer's version true. After these findings on the 16th July, it might have been expected that the District Magistrate, a European and a Civilian, after hearing the story in which such respectable parties were concerned, would certainly have expressed righteous indignation and taken energetic action to punish the offenders, but for reasons which it is difficult and impossible to understand, the matter was allowed to drag on for months, without his taking any steps in the matter. All that was done was that only one man was summoned under section 323, as the Magistrate found that there was no improper conduct and no common object, or anything of that sort. Now, my Lord, before I proceed further, I am anxious to satisfy the Council that all this is not a story, but the finding of the Honourable High Court. I will read some portions from the High Court judgment:—

> "He (the Magistrate) expressed the opinion that the existence of a common object had not been proved and therefore no charge of rioting could be made out. The Magistrate then made over the case to the Subdivisional Officer for disposal. That officer could not take up the case as he was going on leave, and it came up before his successor. He also refused to issue any fresh processes against any of the accused. We are not satisfied with the manner in which this case has been dealt with by the District Magistrate and the Subdivisional Magistrate after the case was transferred to him.
>
> We do not think upon these facts the District Magistrate was justified in holding that no charge of rioting could be made out and that no offence under section 147, Indian Penal Code, was disclosed. We also think that the Subdivisional Magistrate was wrong in refusing to issue processes against the other accused.

So we find, my Lord, that although the report of the investigation of the Deputy Magistrate was submitted, no action was taken. The police report was submitted on the 29th of July, and then, after the police report was submitted, only one man of the whole party was summoned under section 323. Then the Executive Engineer filed a complaint to the District Magistrate. Under the law, he should have taken up his examination then and there, but as a matter of fact his examination was taken a fortnight after he lodged the complaint. Then, my Lord, I have the authority of the Honourable High Court stating how this examination was conducted, and to this I desire to call Your Lordship's particular attention. The Executive Engineer went to the District Magistrate, with a petition of complaint, as in a regular criminal case; it was the duty of the District Magistrate to examine him immediately. The Magistrate did not choose to do so. What he did was

not to examine him for the purpose of eliciting the facts so far as his complaint went, but he cross-examined the Executive Engineer with the object of discrediting his statement. This is what the High Court says about it:

> Instead of examining the complainant on oath at once, as the law requires, he examined him 15 days after He apparently failed to realise the gravity of the charges brought against the police constables. His examination of the complainant was very unsatisfactory. The questions put by him to the complainant were more in the nature of cross-examination intended to discredit the statements made in the petition of complaint than for the purpose of eliciting the real facts of the case.

Then after this cross-examination, what happened? I will just ask Your Excellency to consider for one moment the position of the Executive Engineer. He was humiliated, and when he appeared before the District Magistrate, he was cross-examined only with the object of having his statement discredited. This took place on the 23rd July After the 23rd, the Magistrate stated, 'I have heard enough of this case. I cannot find that there was any common object; let it go to a subordinate magistrate and let him try the case.' Now this was a most objectionable thing for him to do, transferring it to a subordinate magistrate, with an adverse opinion on it. This was the last thing he should have done. In all fairness to the complainant, if he wanted to transfer the case, he should have done it without an expression of opinion, especially as the Magistrate to whom he was transferring it was one of his own subordinates. We can all imagine what the position of the subordinate magistrate was. We could sympathise with him No wonder he wanted to put off the evil day, and then at last when the matter was pressed he said that he was shortly going on leave, and the matter might be brought before his successor. The successor came, but what could he do in the face of the order of the District Magistrate He refuses to issue a process against the other constables. This was on the 29th of October. This gentleman was assaulted on the 2nd of July, but in spite of his best efforts he could not induce the authorities to take any action against the constables. On the 22nd of September, his prayer was refused He failed to get any redress from the Magistrate Then he went up to the High Court which passed the order which I have just placed before the house, viz., that the conduct of the Magistrate was quite improper and illegal, and the High Court sent the case back to be tried by some other Magistrate. So another Magistrate took up the case, and it must be said that he tried the case properly, and there was a conviction There was an appeal against that order of conviction to the Sessions Judge, but the conviction was upheld. Then this matter was taken up to the High Court I do not know at whose cost. I cannot imagine that the constables bore the cost themselves. However, the High Court also upheld the convictions. Now, my Lord, I must at once confess that as an isolated case of oppression and injustice, it does not amount to very much, but there is something more below the surface. What is the moral of all this? What does it really signify? How is it that these low-paid police constables—there was also the head constable and the sub-inspector—have the courage to do all these things in broad daylight on a public road? How is it that their conscience did not make them cowards? On the other hand, how is it that they proceeded from one illegality to another, and then marched off all these people like criminals to the thana? The only possible argument is that the constables must have known that they would not have been seriously taken to task by the higher authorities, and this is a supposition which is justified by the events that subsequently followed. How is it that this District Magistrate

did not at once take vigorous action in the matter? The explanation, I think, will be found in the comments of the *Bombay Chronicle*, which said :—

> Those who have carefully studied the case from the beginning to the end know not whom to admire—the policemen or the former District Magistrate—for the stranger parts they played, in this connection. We intend to publish some facts of the case which will show how the '*ma bap*' of the district took the erring policemen under his bosom just as a hen does her young ones under her wings and thereby needlessly retarded the course of the trial.

I think when all the facts have been gone into, it cannot be said that there is the least exaggeration in the comments of the *Bombay Chronicle*. There was the District Magistrate who, if not actually, almost tried to hush up the matter, and issued a process against one man under section 323, just to save countenance. In that view of the matter, my Lord, this is a serious thing and not merely an isolated act of oppression. In this connection, I must really draw Your Excellency's attention to the part played by the Superintendent of Police and the District Magistrate. The Superintendent of Police investigated the matter, and under his orders one man only was prosecuted for giving a *lathi* blow to the Executive Engineer, and his suggestion was taken up by the District Magistrate. The District Magistrate did not think it proper to proceed against the other constables. There is something like a wrong impression in the minds of our public servants about their real position with respect to the public. They do not think that they are servants of the public. On the contrary, the opposite view is taken by them; and if any illiterate low-paid constable takes this view, it is only due to the higher authorities. I do not think they would have ventured to go to that length if they did not know that there was the Superintendent of Police and the District Magistrate to help them, and as the Hon'ble Judges of the High Court remarked, that if such a thing could happen in the neighbourhood of Calcutta, in the presence of respectable people of the town in respect to a high Government official, one could well imagine the fate of an ordinary person in a remote village. In that view of the matter I thought it proper to draw Your Excellency's attention to the matter, and I proposed that a committee of non-officials and officials be appointed to investigate this matter, and a suitable punishment be served to all those who, in this connection, have brought the name of the Government into disrepute. The Government is not responsible for this, but all the same the result it that Government has got the blame. The meanest acts of the police result in discredit to the Government. So this is a matter which requires thorough investigation, so that such things might be put a stop to in the future."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, the resolution which has just been moved is what I should describe as of a thoroughly bad and dangerous type, which this Council, both for its reputation now, and still more for its reputation in the future, would do well to hesitate before it endorses. This is nothing less than an attempt to bring before this Council, by way of a request for enquiry by a committee, action which has been taken in the judicial courts, and to examine executively the propriety of the action of the courts.

That being the type of the resolution, one was somewhat interested to hear what were the Hon'ble Member's reasons for moving it. His reasons were clearly not in order to ensure the punishment of a certain number of constables who misbehaved themselves. I shall be able to show to the Council

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that these constables have already been punished, both judicially and departmentally. His reasons cannot merely have been to give to the Council a résumé of the facts in a criminal case which is now a year old. After all, we are not students of criminology that the time of the Council should be occupied in studying the annals of the local Old Baileys. But we get closer to his reasons when we find him bringing the charge against the District Magistrate, that instead of punishing the culprits properly, he tried to quash the proceedings. After saying so much, possibly owing to qualms of conscience, the Hon'ble Member seemed to withdraw the suggestion that the proceedings had been quashed, but his diffidence did not last long, and he soon again worked himself up to the statement that the District Magistrate tried to hush up the whole affair, that the executive authorities failed to realise the responsibilities of their position, and that the police, knowing full well that they could always count upon the unscrupulous protection of the executive, naturally showed little hesitation in taking bribes and otherwise misconducting themselves. Such statements, taken with a desire to bring into a resolution which will attain a certain amount of publicity, question-begging phrases like "bringing public servants to book," "public servants who have offended against law and justice," "public servants who abuse their official position and are guilty of gross dereliction of duty," and so on, give us a clue to the Hon'ble Member's motives. They are merely those which we have in the past noticed as underlying so many of the Hon'ble Member's speeches in this Council, namely, the desire—which apparently is congenial to him—to throw mud at any official who is within range of his missiles.

Now, Sir, the Hon'ble Member has stated that he is anxious to lay the full facts before the Council in an accurate manner. We welcomed the assurance, as it was rather needed, but I shall be able to show that, in reality, he has represented the facts in a manner that is neither full nor accurate.

The occurrence, which is the occasion of his resolution, took place on the 2nd July 1919, and although he has gone through various incidents of it with much embroidery and with a somewhat confusing mixture of facts and comments, I am obliged to try to state again, very shortly, what the facts are. As I have said, this incident took place on the 2nd of July, over a year ago.

What happened was that three women were selling vegetables on the road at Howrah. A constable—Murabbi Singh—tried to take pice from them. A neighbouring gentleman, quite properly, took down the number of the constable, and another (an Executive Engineer named Bankim Krishna Ghose, opposite whose house all this occurred) said that the hawkers were on his private land. The constable did not heed him, and, aided by two others who happened to be near, began to molest the women. One of the latter constables ran off to the thana and gave information to the sub-inspector that the police were being attacked in the execution of their duty. On that information, the thana officer sent out a junior sub inspector and a head-constable, with seven other constables, with orders to arrest the offenders. The party was met by the constable who was the original source of all this trouble, together with his companion, and a general altercation ensued between the police party, thus twelve in all, and the residents who had intervened, in the course of which the police arrested the owner of the house, his son and four neighbours—six men in all—and took them to the thana.

Now, in view of the finding of the High Court, which, of course, we fully accept, there is not the slightest doubt that there was most ill-disciplined and discreditable action on the part of the constables, for which there was not the slightest excuse. The findings of the courts in the main case have been consistently against them, and they have been punished. At the thana,

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this Executive Engineer lodged a first information, and on the succeeding day three other private gentlemen lodged complaints, a fact of which the Hon'ble Member has made no mention whatsoever. The first information was lodged against the head-constable, Murabbi Singh, by name, and eight or ten others; the three complaints were against three constables who were alleged to have assaulted the individual complainants. There was also a counter-charge on the part of the police. The papers came before the District Magistrate, and he directed an inquiry by the Deputy Magistrate. I submit that that was not in any sense an unreasonable thing for him to do. He had these various charges before him, and underlying the whole case there were circumstances to which the Hon'ble Member has again made no allusion, but which did afford some ground for doubt, and they were these. Throughout the case it was argued on behalf of the police that there was no common intention of creating a riot. The thana party had been sent out under the orders of their official superior, acting on information received, to effect certain arrests. The question was how far all of them subsequently joined in an unlawful common object. It is true that the courts eventually found that there was a common unlawful intention, but, at the early stages, it was perfectly arguable point in the mind of the District Magistrate how far the police were acting in concert to the extent of bringing about a riot, or whether they merely individually committed certain offences. Apparently, in that view, the District Magistrate directed a Deputy Magistrate to make an enquiry. The latter took up the enquiry at once and submitted his report on the 16th July, not an unreasonably long period, bearing in mind that there was a considerable amount of conflicting evidence, and that the case had created some local excitement. That report of the Deputy Magistrate has been represented by the Hon'ble Member as having entirely found against the police, in the fact of which finding he argues that the District Magistrate, from sheer perversity, refused to take any action. The Hon'ble Member has made no mention of the fact that the Deputy Magistrate exonerated the sub-inspector, while he thought that the head constable went there in good faith and under orders; further that there was no evidence of common rioting, although individual constables deserved prosecution. That was the finding, and I put it to the Council that the version given by the Hon'ble Member is absolutely misleading and inaccurate.

In the face of that finding, which reached the District Magistrate on the 16th July, what he did was to issue summonses in these three private complaints—another fact which the Hon'ble Member has entirely suppressed, leaving the Council to understand that the District Magistrate took no action whatever. On the contrary, he issued summonses. The cases duly came on for trial, and were disposed of in about a month's time, one of the constables being convicted by the same District Magistrate, who has been alleged to have been shielding the police, and sentenced to six weeks' rigorous imprisonment. The other two constables were acquitted, because the District Magistrate thought that the identification of their having actually committed the offence failed. That was a judicial finding; if it is to be upset, it should be upset by a judicial court, and the District Magistrate should be above attack on that account. Equally, if the accused were not proved to have committed an offence, they are entitled to justice even if they happened to be constables.

But apart from these three cases and the first information, to which I will revert presently, there was another case. The constable—Murabbi Singh—who first of all tried to blackmail the women, was prosecuted, by the police—not by a private complaint, but by the same police authorities who have been held up to ignominy by the Hon'ble Member. He was convicted by the same District Magistrate, and got four months on the 19th August.

I will now come back to the first information of the Executive Engineer, which was laid at the thana. The final report was submitted on the 28th

July, and it found that there was a non-cognizable offence against one man—the head-constable—under section 323. The District Magistrate proceeded on that report in a perfectly reasonable way, on the 29th July, to issue a summons against this man on that non-cognizable charge. It will be remembered that there were already three other complaint cases against three constables, so altogether 4 men were put on their defence, on individual acts of assault. On the 8th August, the complainant, Babu Bankim Chandra Ghose, put in a petition asking that the other constables might be summoned also, on the theory of general unlawful intent and riot. The District Magistrate called for the police papers, and there was delay on account of the accused being ill; but eventually, on the 23rd of August, he passed an order of which the Hon'ble Member has given an absolutely misleading version to the Council. The Hon'ble Member has given us to understand that the District Magistrate then left everything to a subordinate magistrate, after giving an adverse opinion on the case, and practically saying, 'Let us hear no more about this,' deliberately hinting to the subordinate magistrate to acquit.

But what the District Magistrate really said was this: 'I have already heard most of the evidence in connection with other cases. I have also perused the report of the Deputy Magistrate. In my opinion no common object has been proved, and no charge of rioting can be made out. As the complainant wishes to proceed on these charges, I do not think I should try the case.'

What could be fairer than that? The District Magistrate had heard a good deal about the case, in the complaint cases which he had tried, and it was in the utmost fairness to the complainant that he said he would not try the first information case. Nothing could be fairer than the view of the District Magistrate, and it has merely been misrepresented in this Council. Against that order a motion was eventually made to the High Court. The High Court held that there was a *primâ facie* case of rioting, and on the 22nd October ordered a trial on that charge. On the 12th of January, out of 12 accused in that case, 8 were sentenced to two months' rigorous imprisonment each. The sub-inspector was acquitted, because the trying Magistrate was not satisfied that he took any part in the rioting. Three other constables were acquitted, as they could not be identified as having taken part in the riot. But 8 men were sentenced, so in all, out of 13 men implicated in this affair, 9 have been sentenced to imprisonment and 4 acquitted. I venture to think that the Hon'ble Member has in no sense impressed the full facts upon the attention of the Council.

So much for the judicial proceedings; next as to departmental action. The whole 12 men have been dismissed, and proceedings are pending against the sub-inspector. That is how the department has taken action. Nine men convicted, 12 men dismissed, and one proceedings pending, while over and above all this, the thana sub-inspector is being prosecuted for perjury. The Hon'ble Member has tried to leave the impression on the mind of the Council that no action of any kind has been taken against these officers, who, on the contrary, have been deliberately shielded and protected. The gross inaccuracy of the suggestion will be apparent.

We will now proceed to examine the action of the other officers who have taken part in these proceedings. I propose to say no more in connection with the police, as I submit, that on the facts as I have detailed them, full judicial and departmental action has already been taken. But we will come now to the District Magistrate, who, of course, is the man that the Hon'ble Babu Akhil Chandra Datta wants to get at. The simplest way of discussing his case is to go serially through what has been said against him, and see what has to be said on the other side.

The strictures against the Magistrate rest on the remarks of the High Court, and the first time the case went before the High Court was on the

motion that a case should be instituted against 12 men instead of one. Mr. Justice Huda then said that he was not satisfied with the way in which the case had been dealt with by the District Magistrate. He observed: 'We do not think that the District Magistrate was justified in holding that no charge of rioting could be made out, and that no offence under section 147 was disclosed.'

This remark of the High Court was, of course, perfectly legitimate, and must be accepted as the finding of the superior judicial court, but I have endeavoured to show that the District Magistrate took an arguable view, although, as subsequently found by superior judicial authority, it was a mistaken view. That is nothing more than what occurs in many judicial proceedings, and it is a matter for judicial procedure to rectify, as it did. Then the judgment goes on: 'The procedure adopted by the District Magistrate was not in accordance with law. Instead of examining the complainant on oath at once, as the law requires, he examined him 15 days later. . . . His examination of the complainant was very unsatisfactory. The questions put by him to the complainant were more in the nature of cross-examination intended to discredit the statements made in the petition of complaint, than for the purpose of eliciting the real facts of the case.'

This, again, is a judicial pronouncement, but in fairness to the District Magistrate, I would submit with the utmost deference that this case was instituted on first information at the thana on the 2nd July, and there was no necessity, as I read the law, for the Magistrate to have examined the complainant at all when the latter filed a petition on the 8th August. The case had already been instituted, and an order for summons had been passed on the 29th July.

Then we come to the next charge, that the examination of the complainant was very unsatisfactory. The Hon'ble Mover desired to lay particular stress on this charge, and in order to judge of it I will quote what the District Magistrate actually recorded as the statement of Bankim Krishna Ghose, which was this: 'I did not dictate this petition. I read it through and am satisfied with it. I heard Bankim Babu' (that was the thana sub-inspector) 'say to Majid' (that was the junior sub-inspector whom he sent with the party) "Why do you allow the constables to arrest gentlemen of this sort and to bring them in custody? I simply told you to remove the obstacles from the road in connection with the vegetables sellers" Majid did not reply. This was before I wrote down my statement. No constable replied, when Majid was rebuked. Bankim spoke in Bengali.'

Now that is what the District Magistrate actually wrote down, and I put it to the Council, that, apart from the first sentence, there is little that can be described as cross-examination. As regards the so-called cross-examination, the petition put in covered 4 pages of typewritten matter, and I submit that the District Magistrate was not acting altogether unreasonably in asking the petitioner 'Did you dictate this, or did somebody else write it for you?'

So much for the first High Court's order; the second time the case came before the High Court was in appeal against the conviction. The orders of the High Court, naturally, do not reflect upon the action of the different courts, but they made various comments as to the behaviour of the constables, and concluded that 'but for the public-spiritedness of the complainant, the grave misconduct of the police officers concerned, would never have been successfully investigated.' From the point of view of the present resolution there is little in this to answer, but if the remark which I have just quoted is to be taken as a reflection on the District Magistrate, I would only observe that it is a somewhat dangerous comment. In all judicial procedure the machinery of the law is somewhat cumbrous. There are motions and appeals, and in accordance with that judicial procedure all that happened in this case was that the Magistrate gave an order which the High Court found

to be incorrect in law. That sort of thing occurs every day in our courts, and will continue as long as man is fallible and there is a system of appeal such as there is in India.

Well, Sir, I have now gone through the various facts of the case; I have given a full and complete version of them to the Council; I have shown that far from the police having been shielded, far from their having been protected from the consequences of their delinquencies, out of 13, 12 have been dismissed and 9 have been imprisoned. As regards the District Magistrate I have endeavoured to show that his action was inspired by reasonable motives, and he himself took part in bringing the offending policemen to justice. If this is so, what is there for this mixed committee of officials and non-officials to enquire into? Executively, adequate action has been taken; judicially, the remedy lies with the courts, not with the executive. I submit that there is not the slightest justification for the Hon'ble Mover having taken up the time of this Council in this resolution, inspired, I can only say as I said at the beginning, by a desire to fling mud at public servants, and officials in general, and police officers in particular, and in that mud I am content to leave him."

The Hon'ble Babu Akhil Chandra Datta said:

"My Lord, it has been said that my account was inaccurate. I have listened to the speech of the Hon'ble Sir Henry Wheeler with the utmost respect, and all that I have been able to gather is that I have omitted some facts which he has mentioned but certainly I never suggested that I had everything. What I said was whether my statement was true or not, so far as it goes. There were several other issues. I did not mention them. The whole question is whether those other facts are inconsistent with the facts which I have stated. I am glad, however, that it is admitted that the conduct of the police was most disgraceful and I only wish that that was the view which had been taken by the Superintendent of Police and the District Magistrate. Much has been made of the fact that out of 13 persons, 9 have been sentenced to imprisonment. That is a fact, but I think that in a case like this only some justice has been done to the aggrieved party, because it will be in the recollection of this house, and I distinctly stated it that I used these words in all fairness to the District Magistrate who tried this case, and the Sessions Judge who heard the appeal, that they did justice. I never passed over that fact. I distinctly mentioned it. After all, that is not my point. My point is this: that so far as the District Magistrate is concerned, he did not take proper action, sufficiently vigorous and energetic action. I never complained of the action which was taken subsequent to the orders of the High Court. I never suggested anything like that.

As regards my comment about the District Magistrate, my whole credit is based upon the findings of the Honourable High Court. Sir Henry Wheeler laid that before the Council, and I do not know what he meant to say, or whether he meant to make comments upon the comments of the Honourable High Court. In reply to him, I would say that the judicial findings are there, and he ought not to deal lightly with them. If after all I make out a case, based upon the judicial findings, of the High Court, the highest tribunal of the land, I do not think I should be reasonably found fault with.

Now what is the finding of the High Court, viz., that the District Magistrate acted against the law, that he did not realise the gravity of the occasion; these were the observations of the High Court, and by a curious coincidence the Judge of the High Court is the same gentleman who used to occupy the very place now occupied by the Hon'ble Sir Henry Wheeler.

Babu A. C. Datta.

Therefore, from more than one point of view it can be said that these were the comments upon which I could reasonably base my case. Then it has been said that these people have been departmentally punished. That is a very good thing, for which we are grateful to the authorities. I distinctly said, any number of times, that as an isolated case, this case of police oppression does not mean very much. I wanted to suggest that these isolated cases are possible, because there is something rotten in the state of Denmark. I wished to draw the attention of Government to the matter. It has been suggested that my object was to throw mud at the officials. My reply is this: if there is any official who is guilty of anything, is it not right to draw the attention of Government to that guilt? In any case, I was only appealing to Your Excellency's Government to redress this wrong and that I did because I held that there is no other authority than Your Excellency's Government who can deal with the matter when a public servant fails in his duty. I shall go further and say this. If any member of the public, not to speak of Your Excellency's Council, brings such matters before Your Excellency's Government, then the Government has no reason to be dissatisfied with him. On the contrary, they should be grateful to him. He would be doing a service to the Government by drawing the attention of Government to the misconduct of any public servant. Now, I take it, that when Your Excellency admitted this resolution for discussion in this Council, I take it I had a right to present my case before the Council, and I take it that was the view taken by Your Excellency also, otherwise Your Excellency would not have admitted the resolution for discussion As regards one point I have omitted, it has been suggested that the Magistrate thought that there was no common object, and Sir Henry Wheeler thought it was an arguable point. I shall accept that position. I shall concede for argument's sake that the District Magistrate's finding was an arguable point. If that was so, what should have been his decision under the circumstances? Certainly not to brush aside the whole thing once for all without going into the matter Even if it was an arguable matter, it ought to have been gone into. Then, my Lord, the Deputy Magistrate who enquired into the matter also found that these people were acting under orders, and therefore justified their conduct Now this is really subordinating the action of the District Magistrate by the action of the Deputy Magistrate. But the whole point is whether that was the view which ought to have been taken at that stage. I can well understand, if the Deputy Magistrate tried the case after going through the evidence, he would have found that there was no common object of rioting. My complaint is, that if it was an arguable point, it should have been sent to the Deputy Magistrate without any comment by the District Magistrate.

The order of the 23rd August passed by the District Magistrate has still to be justified by Sir Henry Wheeler. My complaint is, that he allowed the case to go to someone else; but why did he express that opinion? Was it not paralysing the hands of the Deputy Magistrate? Of course in theory it is all right to say that the Deputy Magistrate is an independent man, but we all know for a fact, that after an opinion like that from the District Magistrate, there is not one person who will have the courage to assert his own views, and therefore it is only fair that the case should have gone to the subordinate magistrate without any expressed view.

My Lord, there are other things about the case which are of a minor character, and I do not like to take up the time of the Council with them. After the general remarks made from such high places about the tone and so on of speeches made, it is really discouraging. In future, I shall feel hesitation in putting matters before the Council, for fear that Sir Henry Wheeler will come down on me and tell me not to trouble myself with these things. Cases should be judged on their merits, and not by general observations upon the tone of the speeches."

The motion being put, a division was taken, with the following result :—

Ayes—9.

The Hon'ble Sir Nilratan Sarkar, Kt.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Dr. Abdulla-al-Mamun Suhrawardy.
" " Khan Sahib Aman Ali.
" " Rai Sri Nath Ray Bahadur.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.
" " Babu Kishori Mohan Chaudhuri
" " Babu Sarat Chandra Chakrabartty.

Noes 17.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" " The Maharajadhiraja Bahadur of Burdwan, K.C.S.I., K.C.I.E., I.O.M.
" " Sir Charles Stevenson-Moore, K.C.I.E., C.V.O.
" " Mr. H. L. Stephenson, C.S.I., C.I.E.
" " Major General W. H. B. Robinson, C.B., I.M.S.
" " Mr. F. A. A. Cowley, C.I.E.
" " Mr. M. C. McAlpin
" " Mr. L. S. S. O'Malley, C.I.E.
" " Mr. G. N. Roy
" " Mr. A. Marr
" " Mr. W. W. Hornell, C.I.E.
" " Khan Bahadur Maulvi Aminul Islam
" " Sir Rajendra Nath Mookherjee, K.C.I.E.
" " Mr. C. D. M. Hindley
" " Mr. M. Cathcart
" " Mr. R. M. Watson Smyth
" " Mr. W. L. Travers, O.B.E.

The following members were absent:

The Hon'ble Mr. F. J. Monahan
" " Mr. J. R. Blackwood
" " Mr. J. Donald, C.I.E.
" " the Nawab Bahadur of Murshidabad
" " Mr. F. M. Leslie.
" " Mr. Aminur Rahman
" " Raja Hrishikesh Laha, C.I.E.
" " Mr. Provash Chunder Mitter, C.I.E.

Babu S. C. Chakrabartty.

The Hon'ble Babu Siv Narayan Mukharji.
" " Kumar Shib Shekhareswar Ray.
" " Mr. Arun Chandra Singha.
" " Rai Debender Chunder Ghose Bahadur.
" " Rai Radha Charan Pal Bahadur.
" " Mr. A. D Pickford.
" " Mr. W. H. Phelps.
" " Maulvi Abul Kasem.
" " Maulvi A K Fazl-ul-Haq.
" " Babu Bhabendra Chandra Ray.
" " Mr. Altaf Ali.
" " Babu Surendra Nath Ray.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K B. Dutt.

The *Ayes* being 9 and the *Noes* 17 the motion was lost.

LIST OF BUSINESS—ITEM No. 13.

In the absence of the **Hon'ble Mr. Provash Chunder Mitter** and with the permission of His Excellency, the President, the **Hon'ble Babu Sarat Chandra Chakrabartty** moved the following resolution:—

This Council recommends to the Governor in Council that in making allotments of the additional elected seats, granted by Government to a district board with effect from the next term, regard be had to the necessity for proportionately larger representation in the case of such local board areas as are comparatively insanitary or otherwise demand the special attention of the district board.

He said—

" My Lord, as my Hon'ble friend Mr P C Mitter is unavoidably absent, he has asked me to move this resolution on his behalf, and I therefore ask Your Excellency's permission to do so.

My Lord, the district boards were created in 1885 under the Local Self-Government Act Half the members of the district boards are elected by the several local boards in the district and half is appointed by the Government. That precaution was taken for fear that the local boards might flood the district boards with a number of their members. That was in 1885. These 35 years that rule has been followed, and the local boards are still electing the same number of members for the district boards which they did when they were first allowed to send members to that body. Recently, by a circular order of the Government, the total number of members of district boards has been increased and the same circular also empowers the Government to fix the number of the elected number of members of each district board to be two-thirds of the whole number of members, instead of half. So there will be a better opportunity now for the local boards to be represented in the district boards in the two following ways:—First, the total number of members being increased, the number of elected members from the local boards will also be proportionately increased; and secondly, the number of elected members being two-thirds instead of half, the proportion of these members will also be increased. Now, my Lord, this is just the time when a readjustment of the number of members which each local board should elect for the district board should be made. Your Excellency knows that in Bengal there are

insanitary areas in every district, and especially in the districts of Dacca, 24-Parganas, Khulna, Jessore, Rajshahi, etc., and in those areas many villages have been depopulated on account of malaria and other diseases. The allotment of seats which was made in 1885 was based on the population basis. Going on that basis, it will be found that many places are in a most disadvantageous position as regards population Take for instance the case of two local boards in a district. One local board area is highly insanitary and on account of malaria and other diseases it is very sparsely populated. People have gone to healthier places The other local board area, which is healthier, has attracted people from different parts of the district, and its population has steadily increased Now if, after all these years, a readjustment is made on the population basis, then the first local board area will be in a highly disadvantageous position Each subdivision has got a local board, and that local board may not be in a position to find competent representatives for the district board to fill the number of seats allotted to them 35 years ago when it was better populated Supposing a local board was allotted 4 seats, 4 members to be elected from the 4 different thanas, but now, owing to depopulation, all the thanas may not be represented, and so the local board may be at a disadvantage; therefore, what this resolution proposes is, that instead of the population basis, the local circumstances of each local board area ought to be taken into consideration in the matter of representation on the district board In doing that, I am of opinion that we should proceed by taking the area basis of each local board, and on that the allotment of seats ought to be made. The other day this matter was brought to Your Excellency's notice by a representation of the Manikganj Local Board and Your Excellency was pleased to say that reallotments have been made and that some more seats have been allotted to the local boards in particular subdivisions. I am quite aware of that the total number of members has been increased, and the total number of elected members has also been increased, so, in the ordinary way, each subdivision will have some increase What I claim is that insanitary local board areas should have more representation in the district board, for in that way their condition may be improved. With these words, I commend the resolution to the Council."

The Hon'ble Rai Sri Nath Ray Bahadur said —

"My Lord, I regret I cannot support this resolution In all representative institutions, the principle of election observed is local area and population in general. Any special and occasional interests are safeguarded by nomination. This resolution seeks to create a new precedent which, if followed, there will be no end of special cases For instance, there may be areas where education is backward or suffering from any other inconvenience and people of such areas would come forward for special representation, and I cannot imagine where it may end.

Sanitation is not the only matter which comes up for discussion and deliberation before the district board The best men competent to deal with all manner of subjects should be returned to the district board It strikes me, my Lord, whether this will not be an incentive for any ingenious member to attempt to prove the insanitary condition of his constituency in order to secure more seats.

The solution rests principally in our own hands The Chairman of the district board is elected, and as such is bound to represent popular views Then, again, the Indian Minister in charge of Sanitation will naturally take it upon himself to ameliorate the condition of any part of the province where exceptionally insanitary conditions may prevail My Lord, I do not, therefore, see at all the necessity or even the desirability of the measure in question.

My Lord, the Muhammadans have been asking for special representation

and backward classes also are following suit. Thus the principle of election is being whittled down to an extent, when we fear there will remain hardly any semblance of real elective system and will land us far from the goal we all are so anxious to reach, *i.e.*, true and full representative institutions. Therefore, my Lord, I beg to oppose the resolution moved by my hon'ble friend."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:--

"My Lord, I am sorry that my Hon'ble friend, Mr. P. C. Mitter, is not here to-day to move the resolution which stands in his name, but the Hon'ble Babu Sarat Chandra Chakrabartty, with Your Excellency's permission, has moved the resolution in the Council. What I understood from the Hon'ble Babu Sarat Chandra Chakrabartty is this: that he favours the area test to the population test which in most cases, is the test at the present moment. Reading the resolution, however, what strikes me is this: that what the Hon'ble Mr. Mitter must have had in his mind is that when this Government is allotting additional elected seats to district boards from the next term, it should pay due regard not only to larger representation in the case of local boards, but proportionately larger representation in the case of such local boards whose areas are comparatively insanitary or demand special attention of the district board. Whilst admitting the excellent motive which has prompted my hon'ble friend to bring this resolution, and whilst in no way desiring to convey the idea that the Government is not in sympathy with him, I think I will briefly point out to him the difficulties that stand in my way in accepting his resolution. The present position is this:

In April last, we issued a circular in which we passed orders increasing both the total membership of district boards, and also the proportion of elected members. These changes will take effect in each district when the term of office of the present members of the district board expires. In consequence of this, the local boards will have to elect more members to the district board, and we have called for proposals from the Commissioners, as to the allocation to the different local boards, of the extra number of seats to be filled by election. Hitherto, there has been no hard and fast rule as to the number of the members of local boards, in consideration of the area and population or its local conditions. Whilst in some cases this might be desirable, in practice, it would be difficult to make such a rule owing to the varying circumstances of different areas. Generally, it may be contended (1) that the sadar local board is more strongly represented on the district board than any other subdivision. For this there is an intelligible cause. As pointed out by the Decentralization Commission in paragraph 737 of their report, local, political and business talent is largely concentrated at the headquarters of districts, and it would be unwise not to utilise this for the needs of the district as a whole, and (2) that in practice there is a tendency for the local boards to elect persons who reside at district or subdivisional headquarters. Whilst, therefore, there is a great deal to be said for the principle underlying Mr. Mitter's proposal, the circumstances of different subdivisions within the same district make it difficult to put this principle into practice. One subdivision may be relatively well off and another may be poor and thinly populated and sparsely developed and at the same time in need of works of local development; but, being thinly populated, it may not be possible for it to have its proper representation on the district board. It may be argued that this could be redressed by means of nomination, specially, as it could not be unreasonable that backward areas should have a better chance upon the claims on district funds.

The Maharajadhiraja Bahadur of Burdwan; Babu S. C. Chakrabartty.

On the other hand, the criterion suggested by the resolution is vague and would be hard to apply. In practice, it is difficult to judge, with precision, the comparative degree of unhealthiness of these subdivisional units, and the extent to which they demand the special attention of the district board. Those which have vociferous advocates, may obtain preference over others with equally great needs who do not advertise their grievances. The criterion suggested is, and must be, uncertain and fluctuating. One part may want a railway, another a drainage scheme, a third an expansion of primary education. It will be a matter of great difficulty to adjudge between conflicting claims of this character. It would be impossible, therefore, to lay down any general principle such as that suggested by Mr. Mitter. All that I can therefore promise at present, is that the attention of the Commissioners will be drawn, that in formulating proposals for allotting extra seats to local boards they should bear Mr. Mitter's idea in mind, and to consider whether subdivisions, with special needs, should not have a larger representation than they would ordinarily be entitled to. I think Sarat Babu will agree that Government could not be expected to commit itself to the system which underlies his proposals, but that, if these instructions were given to the Commissioners, in many cases these wishes will, in practice, be met. I may also further mention here, that in view of the fact that local boards have now got important functions under the Village Self Government Act in connection with the union boards—a fact which Your Excellency brought out forcibly in your speech at the Dacca Panchayati Conference the other day—that as a necessary corollary the Government propose to consider the question of increasing the local board membership. This will be all the more necessary in cases where the membership is small, because, otherwise, nearly all the members of local boards will automatically get on to the district board. From what I have said, my Lord, it will be clear to the Hon'ble mover of the resolution, that whilst we cannot accept the resolution as worded, we are accepting very largely, the spirit of it, and I hope, with this assurance, the Hon'ble mover will not press for his resolution."

The Hon'ble Babu Sarat Chandra Chakrabartty said:—

"My Lord, I am quite satisfied with the assurances of the Hon'ble Member in charge and with Your Excellency's permission, I beg to withdraw the resolution."

The resolution was then by leave of the President withdrawn.

LIST OF BUSINESS—ITEM No. 14.

The Hon'ble Babu Sarat Chandra Chakrabartty moved the following resolution:—

This Council recommends to the Governor in Council that the status of the Dacca School of Engineering be improved and modified in the following ways:—

(1) that it be named "the Dacca Technological College,"
(2) that the number of its students be increased to 400;
(3) that its teachers should hold at least the degree of Bachelor of Engineering,
(4) that provision be made for teaching electrical engineering in addition to the subjects which are already being taught;
(5) that hostel accommodation be provided for at least 250 boys;
(6) that the college be transferred to the control of the Director of Industries from that of the Education Department; and

Babu S. C. Chakrabartty.

(7) that demonstration shops be opened in connection with the college in the following crafts and that the services of experts in these crafts be secured:—

(*a*) sheet metal working;
(*b*) cutlery making;
(*c*) pattern making and die sinking;
(*d*) electro-plating;
(*e*) wire goods and metal colouring; and
(*f*) fret saw work and furniture making.

He said—

"My Lord, last year in this very Council, about this time, the Hon'ble Babu Surendra Nath Ray moved a resolution for improving the condition of the Dacca Engineering School. The Hon'ble the Maharajadhiraja Bahadur of Burdwan was pleased to assure him that certain improvements would be effected in that school. I am glad to say that some improvements have already been made, and a few more students were admitted last year. The school has been removed to a very commodious building, the former press building of the late Eastern Bengal Government, a governing body has been appointed, and the headmaster is now being called the Principal. In my humble opinion these improvements, however, go for almost nothing, in connection with the improvements proposed for the Dacca Engineering School. Of course I am aware that there was a great consensus of opinion on the part of the Government and of the majority of the members of this Council who come from Western Bengal, that there ought not to be an engineering college at Dacca, while some years ago a proposal was made that the Sibpur Engineering College should be shifted to Dacca, and there was a great hue and cry against it; and the Hon'ble Babu Surendra Nath Ray last year in a speech in this Council said that he was very glad and relieved to learn that the Government had decided that the Sibpur Engineering College would not be removed to Dacca or anywhere else. I am not pressing for a college on the lines of Sibpur at present: that would depend when the Dacca University was started, and it will rest with that body to consider whether there should be a Faculty of Engineering in connection with the University or not. My object in moving this resolution is not to establish a second engineering college in the Presidency. My object is to convert the existing school at Dacca, humble as it is, into a technological institution. If there is any objection to call it a Technological College, I would modify my resolution, and call it a technological school, but what I want is that the instructions that are to be given in that school ought to be technological in their nature. I want the Dacca School of Engineering to teach mechanical engineering, electrical engineering, boiler engineering, sanitary engineering, water-works engineering, telegraph and telephone engineering, and besides that, there should be demonstration shops with experts in charge. Now this would appear to be a very large order, and I am told by high authorities that this would mean crores of rupees, and it has been decided that there should be one such technological college in the whole of India. I do not want that crores of rupees should be spent on a first grade college at Dacca. I will be satisfied with only a second grade technological college, if you like to call it so, at Dacca. Let there be a first grade college with crores of rupees either in Bombay or Calcutta, but I want that the Dacca school or college, as it is, or as it should be, ought to be more useful. I say this because by a recent circular of the Government of India, it has been ordered that the upper subordinate classes, of all the engineering institutions in the country, at Sibpur, Dacca and other places, should be abolished. It is very difficult to understand what is to be the scope of these schools which are now existing.

Babu S. C. Chakrabartty.

The Public Works Department Resolution No. 192, dated the 9th April 1920, has passed the following order: 'The upper subordinate establishment will be maintained for the present, but no further recruitment of upper subordinates will be made after the students in the colleges on the 1st of February 1920 have been absorbed. The upper subordinate establishments will then gradually be reduced until it ceases to exist. Classes for upper subordinates, at engineering institutions, will be discontinued when the students now in the classes have completed their course of instruction.'

So that these upper subordinate classes of the Dacca Engineering School will be abolished, and I think steps have been taken to discontinue them. I do not understand what the aim and object of the engineering schools would be. They now train upper subordinate and lower subordinate men; and when these upper subordinate classes go, I do not know what will be done with the students who have been admitted in the Dacca Engineering school this year. These students will go without any aim They will attend the courses, and then they will not be able to get any appointments, so that they will be placed in a highly uncertain position My object is that this institution be converted into a technological school or college, so that the courses that are now being taught, may be retained, so that overseers and upper subordinates may continue to be trained there, and they will largely be employed by the local bodies, municipalities and district boards, and other business people who want technical overseers to supervise their work. If these classes be discontinued, where would these local bodies and business firms get supervisors for their work? My suggestion is that these classes be retained with some additional courses, the curriculum being so divided that these instructions be imparted in those branches, electrical engineering, etc., which I have mentioned. I know that there was an electrical engineering class in connection with this school, but it was abolished three years ago, I do not know why. There was a good plant and power house, and students who attended the classes there, did not find any difficulty in getting employment in firms in Calcutta and elsewhere There is a belief in Dacca that this class was abolished in the interests of Messrs Octavius Steel & Co., who had started a big electrical engineering works here. The Engineering School power house used to save the Government of Rs 13,000 to Rs 15,000 a year Now that Messrs. Octavius Steel & Co. have opened their workshops, the old machinery of the school has been sold to the Munitions Board, and the school authorities will get some money for that What I propose is that this electrical workshop should be started again with up-to date machineries, and the money from the sale-proceeds, which I understand is still in deposit in the name of the school, should be utilised for this purpose They will supply the electrical energy to the Dacca University buildings, and the University will pay for this If such a power house is established again, it will increase the efficiency of the electrical department Therefore, I do not see why this electrical engineering department could not be re-established in connection with this school.

Then there is another department of which I want to speak. Some time ago some gentleman took it into his head that the survey classes should not be held at Dacca, and should be removed to Mynamati, and they were removed there I understand that the first year survey classes have been re-opened at Dacca, but I do not see what would be the good of re-opening the first year classes here and requiring the students to go to Mynamati for the remaining instructions I think Bengal is quite wide enough to have two survey schools, and I would not object to the survey classes at Mynamati, if such classes are re-established at Dacca also, and the expenditure will not be much either.

My Lord, here we have got plants and machineries for a workshop, and a commodious building, and with a little cost technological training could be imparted to the students here. We are now all seeking to develop our

industries, the whole world is trying to develop industries, and why should Bengal lag behind in this respect? Let the Eastern Bengal boys have a chance of getting admission into a technological institution there, instead of having to got to Calcutta. The number of students here is about 300. I want to raise it to 400. There will be sufficient accommodation for 100 boys more, and boarding houses can also be constructed for at least 50 boys more.

Then, as regards the teaching staff, the teachers have got great grievances. All the B.E.'s who were on the staff belong to the Subordinate Service, except one, who is in the Provincial Service. There are only two B.Sc.'s belonging to the Subordinate Educational Service, and the other teachers are all upper subordinates. I do not see why all these teachers should be in the Subordinate Educational Service, although some of them are serving for about 16 or 17 years without a transfer; they ought to be placed in the same cadre as those who are Assistant Masters of zilla schools and Superintendents and Inspectors of Schools.

I hope that the Hon'ble Member in charge will kindly consider the case of the Dacca Engineering School more favourably. If you are not going to abolish the school, you ought to improve it and make it a better institution, so that it would open a career for our young men, and try to help to develop the industries of the country. In this connection, I will quote from a speech of His Excellency the Viceroy, which he delivered at the Convocation of the Calcutta University in December 1918. He said "that Indian men, not Indian men only as labourers, but as leaders, who will turn their attention to industrial enterprises and equip themselves for a great industrial regeneration in India," and where are they to get this equipment unless it is taught at these engineering schools, either at Sibpur or Dacca or elsewhere? So I trust that this engineering school will be converted into a technological college or school.

The school ought to be transferred from the Department of Education to the Department of Industries. It is a technical school which ought to be placed under technical supervision, as was recommended by the Industrial Commission."

The Hon'ble Sir Nilratan Sarkar said:—

"My Lord, though coming from Western Bengal, I think it my duty to support this proposal for raising the status of the Dacca Engineering School to that of a secondary engineering college. I believe that the only basis for an industrial life is training in engineering, and, for a matter of that, in a little chemistry. Without such knowledge of chemistry and engineering, it has become extremely difficult for employers in many industries to select their assistants. I know there is a good deal of difference of opinion in regard to this matter, but I think that an engineering school of the proper sort would be an asset to this country, and therefore I think it my duty heartily to support this proposal. My Lord, the industrial instinct of my people has to be roused, and it can only be roused by such education; and the more such education is spread in Bengal, the better for Bengal, the better for all India. This will serve another purpose indirectly; it will help the diversion of that channel of literary and legal education which has given us the epithet of a top-heavy educated people. My Lord, in Calcutta we are going to have a technological institute. Of course, this school we are going to have, in or near Calcutta, would be mainly used for the training of apprentices, and everyone admits not only the desirability, but the great advantage of having a workshop for the training of such apprentices in the near future in Dacca too. Of course, in Eastern Bengal we have not got such workshops; neither

Sir N. Sarkar.

have we got here any railway workshop or workshops like Jessop & Co or Burn & Co., but the question arises whether engineering training should be restrictions to apprentices, or whether non-apprentices should be trained as engineers or not. My Lord, in view of the recommendations of the Industrial Commission, and in the presence of the Hon'ble Mr Hindley and Mr. Cowley, I feel great hesitation in answering this question, but I have observed the educational movement in other lands, and I know that a very large number of young men are trained to the appentice system through the help of auxiliary schools. There are also institutions that train students who are not apprentices. Whether it will be possible for Dacca to train a number of useful men who are not apprentices in some big workshops over here or elsewhere, that is a matter to be considered My Lord, training does not always contemplate a particular standard or a particular height of standard. I admit that the young lad who will have opportunities of working for 4 or 5 years under the admirable arrangement in the workshop of the Eastern Bengal Railway at Kanchrapara, will be a far better trained man than one who derives his knowledge and practical experience in a shop which is not well-equipped, and I believe that even in the business workshop, some amount of training may be imparted to those young men My Lord, analysing the conditions that prevail in workshops, I find four important points. One is the dexterity which the student or apprentice gains by working a workshop. The second is the habit that he forms there by working at a particular rate which, of course, is determined by the rate of production. Then, in the third place, there is the question of cost, and the fourth is the question of the quality of work turned out in schools I believe that of these four, at least two may be secured in a well conducted workshop in or near Calcutta—I mean the quality of the work and the habit of the students. The student may not be a very good mechanical engineer, he may not be a very experienced foreman-mechanic, after passing the Dacca Technical School examination, but he will be a good turn man or a job man, and he will know machine house work to some extent He may not be a good boiler maker, but he may be a good hand at setting up a steam engine, he may not be at the top of his work, but he will make a good assistant It would be quite an advantage for a number of our young men to receive this sort of practical training, which will secure for them a fair amount of competence in the mechanical and electrical engineering line I purposely refrain from entering into details I feel as regards details, that it will be extremely difficult for this Council to offer an opinion Details must be considered after careful consideration by some committee, and it is not for us and members of this Council to pass an opinion off hand on points of detail Therefore I do not mention subjects that are to be particularly introduced in the curriculum of studies all that I want is that there should be a secondary school of engineering in this city

My Lord, as regards the resources of Eastern Bengal, in engineering training, we are bound to realise that in future after the establishment of the University, a very good electrical power house will have to be started, then of course, we have the railway here, the railways are extending between Assam and these places, and it is very likely the railway workshop will be extended too. Then we have municipalities they must have overseers in connection with water-works Industries are multiplying all over Bengal, Narayanganj is the centre of the jute industry, and it is quite possible that in the near future, we shall have mills in the neighbourhood of Dacca By putting our resources together, it is quite possible that we will be able to get a certain number of young men trained in mechanical and electrical engineering in a school at Dacca in connection with establishments that are here and are likely to be established in the near future With these words, I beg to support the proposal of my hon'ble friend, Babu Sarat Chandra Chakrabartty."

Sir R. N. Mookerjee; Sir N. Sarkar.

The Hon'ble Sir R. N. Mookerjee said:—

"My Lord, I promised my friend Mr. Chakrabartty that I will not speak to oppose his resolution, but I now feel inclined to say a few words to clear the differences between his speech and his resolution. In his speech he said that he would be content in converting the Dacca Engineering School to Dacca Technical School. I have no dispute with him if his resolution be allowed by Your Excellency to be altered accordingly. But I oppose the resolution as it now stands to convert the Dacca Engineering School into Dacca Technological College. My friend is anxious that the Dacca Engineering School should train students for upper subordinate classes, but perhaps he is not aware that according to the recent Government of India resolution based on the report of the Public Works Committee, the training of upper subordinate and higher class engineers cannot both be done in the same institution. In fact, the Dacca Engineering School is for training sub-overseers, overseers and upper subordinates.

A technological college means a college for training higher branches of Mechanical and Civil Engineering. Dacca has not got any facilities for such training. A technological college must be equipped with an up-to-date commercial workshop. It is for the want of proper facilities to train higher class mechanical engineers that Bengal has hitherto not been able to produce qualified mechanical engineers. Government has provided proper facilities for other professional training, such as medical students, etc. If Bengal could produce such eminent physicians and surgeons as my friends the Hon'ble Dr. Sir Nilratan Sarkar and Lieutenant Colonel Dr. Sarbadhicari, there is no reason why Bengal should not be able to produce efficient mechanical engineers if proper facilities are given to Bengali boys for that purpose. My honourable friend, the Vice-Chancellor, in supporting the resolution, laid stress that useful mechanics could be turned out without a proper workshop. I should like to ask him if he would like to establish a medical college without a hospital for the practical training of the students. Would he be content as the Vice-Chancellor of the University to turn out medical students as doctors without practical training in a hospital, or with only scanty training in an outdoor dispensary. It is difficult to reconcile why my honourable friend, the Vice-Chancellor, who fully supported the Kanchrapara scheme, the chief factor of which is practical training, now supports the resolution for the Dacca Technological College without a well-equipped commercial workshop. My honourable friend, Mr. Hindley, who visited the Dacca Engineering School this morning, informs me that the school is well-equipped in a commodious building for training overseers and upper subordinates, as well as electrical engineers, and my friend, the mover of the resolution, should be satisfied with what the Government has done for Dacca. A technological college should only be established in a place which is the centre of commerce and industry. For these reasons, my Lord, I oppose the resolution."

The Hon'ble Sir Nilratan Sarkar said:—

"My Lord, I would like to explain one matter. I was unfortunate enough to have been understood by Sir R. N. Mookerjee to have held that the training in mechanical engineering could be imparted without any workshops. All that I meant was that apprentices must have workshop training, and schools must be provided with workshops. I never meant that mechanical engineering could be carried out without the help of a workshop."

Mr. Hindley; Mr. Cowley.

The Hon'ble Mr. Hindley said:—

"My Lord, I find myself in some difficulty in regard to this resolution which must, I think, be felt equally by other Hon'ble Members. The resolution says one thing and the Hon'ble Member who moved it has said something quite different. To begin with, I do not know what exactly is meant by a technological college, but I do not know what the Dacca School of Engineering means, for I have had an opportunity of visiting it this morning. In my opinion it is doing good work and meeting a definite demand. So long as it goes on as at present meeting the demand for trained men and developing itself to meet fresh demands as they arise, it cannot but be successful. If, however, it goes beyond this before the demand for a higher form of training arises, there is the likelihood of failure.

At present it is giving very good practical and theoretical training to men who are to be overseers and sub-overseers in the Public Works Department and is taking the place of the classes held at the Bengal Engineering College at Sibpur, and which either have been or are shortly to be abolished. It is in fact the only school in Bengal which is training men for these services, and the demand for such men is likely to steadily increase. In my opinion the advantages offered by this training and by the well equipped school which is already in being should be made use of to the full and no attempt should be made to turn the school into something different with different objects in view. I feel that I must congratulate Your Excellency's Government on having placed at the disposal of the school that magnificent building which possesses every facility for carrying on and extending the work which lies before the school. It is, I think, 8 years since I had an opportunity of visiting the school before, and I admit that I was astonished to see the advance which has been made and the high standard which has now been reached.

Referring to the remarks of the Hon'ble the Vice Chancellor on the possibility of giving mechanical engineering training in a school, such as the Dacca School of Engineering, I would mention that this question has been very thoroughly threshed out by experts in Calcutta during the past few years, and the opinion is now very widely held that such training cannot be made a success unless it is combined with practical training in workshops managed on commercial lines. His suggestion that adequate training could be given by having workshops in the school would, in my opinion, be like attempting medical training with a pretence hospital filled with lay figures instead of living patients. For adequate training in mechanical engineering the pupil must come in contact with real engineering work and not the make-believe variety which is found in the workshops of schools and colleges.

I have made these few remarks because I find it necessary to oppose the resolution, although I am strongly in sympathy with much that underlies the Hon'ble mover's remarks and with the desire of the people of Dacca and this part of Bengal to have a technical institution of greater importance than the present school of engineering. But I am firmly of opinion that the school is more valuable in its present form than if it were turned into a college, or called by any other name, such as technological college or technical institute, because it is at present doing work for which there is a demand and turning out men properly trained for the career which is open to them."

The Hon'ble Mr. Cowley said:—

"My Lord, I appreciate the difficulty which the Hon'ble Member has felt regarding the Government of India's circular, which he quoted. The circular is in regard to the form of recruitment. I may mention here that in future the upper subordinate service will be recruited from the class of men who now

obtain upper subordinate certificates The Public Works Department of the future will be divided into three groups. There will be an Indian service of engineers, a Bengal engineering service, which will be a provincial service, and a subordinate engineering service. While the officers of the Indian service of engineers will be recruited partly by direct recruitment the whole of the Bengal provincial engineering service will be recruited from Indians who are qualified engineers, and upper subordinates will be recruited from the colleges where upper subordinate classes are held, so that really the Dacca School of Engineering would come under the proposal."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said:—

" My Lord, among the hardy annuals of the Dacca meeting of the Legislative Council, the discussion on the Dacca School of Engineering certainly occupies a premier place, for I find that although new pickles and chutnies have been added each year; since 1916, it has been the standing dish for those who attend this annual meeting here Whilst appreciating the keenness of the people of this part of the Presidency with regard to this school, I regret it has been brought up again this year, and in a form which leaves me little option about giving a favourable reply Before I turn to the proposals of the Hon'ble mover of this resolution, I will just say a few words with regard to the learned theoretical essay that has been read to us by the learned Vice-Chancellor of the Calcutta University. I need only say that his points have been so well met by Sir R N Mookerjee and Mr. Hindley that all that I need add to what has already been said is, that I am afraid that my intense density of the brain has not enabled me to find any fact in the speech that is relevant with the present condition of the Dacca School of Engineering In theory, what Sir Nilratan Sarkar said was certainly very commendable, but in practice, I am afraid that with the ingredients before us in that school of engineering, and taking into consideration the local conditions, these theories would indeed be very difficult to put into practice

I now turn to the Hon'ble mover's proposals, and I will explain why I am unable to accept the resolution They are for the following reasons— In the first place, the Hon'ble Member wants the name of the school of engineering to be changed into that of the Dacca Technological College, apart from the fact that any such scheme, if adopted at any time, would have to be carried out by the new Government under the Reforms Scheme; this Government, which is already pledged to large undertakings in connection with the technical schools at Calcutta and Kanchrapara could not, therefore, at this juncture commit future Ministers to the scheme now proposed. Secondly, it is not quite clear to me what is intended When a college is proposed we may take it that an advanced standard is being aimed at. If this be so, I may point out to the Hon'ble mover of this resolution what the Calcutta University Commission have remarked in paragraph 5, page 195, of their Report:—

' Though the researches of members of the scientific staff of the University of Dacca may have important bearings upon industrial problems, the developments of higher technological training which will be desirable in Calcutta should not, in the first instance at any rate, be attempted at Dacca, where the industrial and commercial conditions offer fewer opportunities for co-operation between the University and the industries concerned.'

I should add here that the Commission went on to say:—

' For the less advanced grades of technical instruction Dacca will presumably be chosen by the Department of Industries as the chief centre of organisation for Eastern Bengal.'

The Maharajadhiraja Bahadur of Burdwan.

What, however, the Commission mean here is, I think, quite different to the idea of the establishment of a technological college with all the teachers having the degree of B.E.

The third point which appears to me to be essential for consideration is that hitherto the idea for the development of the Dacca School of Engineering had been centred round Civil Engineering itself. It is possible that the Hon'ble mover, finding the views expressed by the Calcutta University Commission about the remoteness of Dacca from great engineering workshops and factories and its consequential unsuitability as a centre for an advanced school of mechanical engineering hard to meet, has now brought in this discussion and this plea for a technological college, but one is at once puzzled when one finds that his fourth proposal is for adding the teaching of electrical engineering in the present school and which is rather incompatible to a certain extent with his other idea.

I shall now pass on to his second request, that the number of students in the school should be increased to 400. It is not clear whether he wants this increase, if the school is converted into a technological college, or if it remains as it is at present. From the information that I have received, I find that there are already about 324 students in the school at present, including artisans. From a recent inspection report by Messrs Gwyther and Heaton, one comes to the conclusion that the rush of qualified youths for admission is not quite so great or real as it is made out, and although it may be possible to have students up to 400 in the present location of the school of engineering, it is a matter on which the Government would certainly not like to force the pace or tie the hands of the Principal. I have no doubt that, if fully qualified lads were forthcoming, and they interviewed the Principal, probably in future years we may not only be able to admit more students but also accommodate them, but I am not prepared to accept the number as 400, because the Hon'ble mover thinks that, whether we get qualified or non-qualified students, we should take more lads until we get to the figure of 400.

The third proposal of the Hon'ble mover is so absurd that I shall pass it over with only a very few words, viz., whether the school remains a school of engineering or is developed into a technological college hereafter, every teacher must be a B.E. Any man with practical experience will tell him that in either case mere B.E.'s will not suffice, and that practical engineers or practical draftsmen, who may not be B.E.'s would probably be more helpful in an institution of this kind or of the kind contemplated.

With regard to the proposal for reopening an electrical engineering class I do not think that I need detain the attention of this Council to-day at any length, for it will be remembered that about 4 or 5 years ago at a Legislative Council meeting here, the proposal was dropped on the motion of Sir R. N. Mookerjee and the Hon'ble Mr. Lyon who opposed it on behalf of Government. Then, again, when in August 1918 the Hon'ble Maulvi Fazlul Huq moved a resolution regarding the development of technical and industrial education, especially in connection with the Dacca School of Engineering, the Hon'ble Mr. Wordsworth, in opposing on behalf of Government made it quite clear why the Government could not entertain the proposal to reopen the electrical and mechanical engineering classes. The Maulvi Sahib having expressed himself to be satisfied with the reply, withdrew his resolution. The objections to the reopening of these classes mentioned by Mr. Wordsworth in 1918, still hold good, and Government see no reason therefore to entertain the proposal.

The Hon'ble mover's next request is that we should provide hostel accommodation for at least 250 boys. On enquiry, I find that we can find accommodation for about 200 boys when the new hostels are completed. If later on, we find that more accommodation is necessary, I have no doubt that the position will be duly considered, but for our present and immediate

purposes, when we are practically finding accommodation for two-thirds of the number of boys in the institution, we may fairly claim to say it is sufficient.

The Hon'ble mover's sixth request really goes with his first. If any future Government were to decide that the Dacca School of Engineering should undergo radical changes, and turning practically a complete summersault, it is to develop into a technological college, undoubtedly it is apparent that it must be handed over to the Director of Industries for its future development, but until the Government of the day arrive at that conclusion after ascertaining that it is the genuine desire of the people of this part of the Presidency, as well as that it would be conducive to the greater development of these parts, this change cannot be affected; nor could the present Government be justified in view of important and far-reaching impending changes, in tying the hands of the future Minister of Education, by giving an assurance of such a change at the present moment. It is perfectly clear also that the institution cannot give education in the higher branches of engineering, and be a technological college at the same time, and therefore that the expediency of such a resolution at the present moment is quite out of the question, will be apparent to all.

The seventh proposal is that demonstration shops should be opened in connection with the college in certain crafts and that services of experts in these crafts may be secured, and the crafts that the Hon'ble Member has in view have been mentioned by him. Here, again, this must hang on the decision as to the future of this institution. With reference to the introduction of some of the trades classes, this would undoubtedly involve the training of artisans. At present, in the Ashanulla Dacca School of Engineering there is a certain amount of pattern making work done, and a considerable amount of furniture is made in the carpenter's shop, but that does not seem to be a sufficient encouragement for the Government to launch further trades classes without making a general survey. Trades classes could only be introduced or instituted where there was considerable industrial pressure behind the movement in favour of their inauguration and in order that they should be a success, you require not only the tools and equipment of the trade, but also the stress of commercial or industrial competition. There is no evidence before us at present at any rate towards this, and until such time arrives this cannot be considered.

It is not my intention on behalf of Government to be in any way nasty, sarcastic or to appear unsympathetic, but I feel tempted to say a few words in the way of friendly caution to the Hon'ble Member and those in here and outside, who are of his way of thinking. The days of favouritism of Government towards any particular tract of country within its jurisdiction are soon going to be more or less a thing of the past. About this time next year, barring unforeseen contingencies, the new Government with its new Legislative Council and its diarchy will be an accomplished fact, and the Hon'ble mover and his co-advocates must make out stronger cases than the present one before that Government and enlist its support. Meanwhile, none can deny that since last year we have done a great deal, without much advertisement perhaps, in improving the School of Engineering here. I would advise, therefore, the Hon'ble mover to go slow for a bit, because a special pleading at the hour of sunset of an old form of Government and the advent of the sunrise of diarchy cannot do him or the part of the country to which he belongs, any good. In matters political, it may perhaps be possible still to consider the claims of these parts in a rosy and highly tinted light, but in matters educational, and from the points of view of sanitation and local self-government, the three things with which I am chiefly concerned, I cannot help saying that the times are not far distant when special claims and special pleadings will require something more substantial than the pious aspirations of my Hon'ble friend opposite. I would therefore advise him to wait and see, and at the same time to watch

the development of the Dacca University. It is true that at present there is no idea of developing the Dacca School of Engineering into a civil engineering college, but whether Dacca or this part of the Presidency gets a technological school or college hereafter or not, I would strongly advise the Hon'ble mover not to confuse the issues, but to allow the Dacca School of Engineering to develop on its present lines, however slow the process may be. Opening of classes for teaching the upper subordinate course in engineering is, I think, more than likely to happen, and for that purpose, the opening of such classes gradually in other centres also will be necessary. If, what I surmise, fructifies, probably a stage will be reached when the Government of the day will come to the conclusion that another centre, teaching the higher courses in civil engineering, over and above the Bengal Engineering College at Sibpur, may have to be reconsidered. For that very reason, I say that any course of action which tends to inhibit the normal growth of the present school of engineering will really be a retrograde movement.

As regards the survey classes the matter is still under the consideration of the Government and I believe that before long we shall be able to make a definite pronouncement.

For all these reasons, my Lord, I hope the Hon'ble mover will not press for his resolution, which, on behalf of Government, I am unable to accept."

The Hon'ble Babu Sarat Chandra Chakrabartty said:

"My Lord, I am much obliged to the Hon'ble Maharajadhiraja Bahadur of Burdwan for advising me, and the people of Dacca, to watch the future development of the Dacca School of Engineering before we make any further proposal for its conversion into a higher grade technological college. While our wings are cut by our classes being taken away, we are asked to watch future developments. How it will develop, I do not know. You do not give us electrical and mechanical engineering plants; of course there is a hope that we will get back the Survey class, and yet the Hon'ble Member asks us to watch future developments. In what way will it develop? The number of students is at present a little over 300, it may be 400, and the number of boarders may be raised to 250. That is the sum and substance of our hope of patiently waiting and watching the development of the school of engineering. Then there is another thing for which I am obliged to the Hon'ble R. N. Mookerjee and the Hon'ble Mr. Cowley, and that is the assurance that the upper subordinate classes of this institution will not be abolished. Of course they will remain as an overseers class, that will be a great help. The Hon'ble Maharajadhiraja Bahadur of Burdwan says that there is not very much demand for entrance into the school. I think that is due to a misapprehension on the part of the boys that there might not be any more room in the subordinate classes in the school, but when once it is known that there is room enough, there will be a great rush for the overseer classes.

Then about the workshops in connection with the mechanical engineering class, I am quite convinced that a mechanical engineering class cannot develop unless there be a good workshop. I am quite aware of that, but at the instance of Sir R. N. Mookerjee I think a boarding house has been started at Kanchrapara which is being taken advantage of by the Sibpur students, for the big workshop which is there in order to finish their training, and I think that the Dacca students can also do that. Then about the B.E.'s, what I meant to say was not that all the teachers ought to be B.E.'s, but that in place of the technical instructors who are now recruited from the upper subordinate classes, they should henceforth be B.E.'s. Of course the upper subordinates are quite all right as foreman mechanics, and if they are familiar

Sir R. N. Mookerjee.

with modern technical education, I have not the least objection to include them in the staff, whether they are B.E.'s or not.

My Lord, I do not press the resolution. I rest satisfied by drawing the attention of Government to the condition of the school. There will be in the near future responsible ministers upon whom the public will have a hold and I think it will be for the people then to put repeated pressure upon the Government. Although this is the last session of the Legislative Council that will be held at Dacca, I do not propose to press this resolution."

The Hon'ble Sir R. N. Mookerjee said:—

"May I correct a misapprehension? The mechanical engineering hostel is not simply for the civil engineering college students from Sibpur, it is for the whole of Bengal, and any student who likes can come and have his training there."

The motion was then put and lost.

Adjournment.

The Council was then adjourned *sine die.*

J. F. GRAHAM,
Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.

CALCUTTA,
The 4th August, 1920.

B. S. Press—2-12-1920—1681J—350—F. T. & A. G. R.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Wednesday, the 1st September, 1920, at 11 A.M.

Present:

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble SIR CHARLES STEVENSON-MOORE, K.C.I.E., C.V.O.

The Hon'ble MR. H. L. STEPHENSON, C.S.I., C.I.E.

The Hon'ble MR. F. J. MONAHAN.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. J. R. BLACKWOOD.

The Hon'ble MR. F. A. A. COWLEY, C.I.E.

The Hon'ble MR. M. C. MCALPIN.

The Hon'ble MR. L. S.-S. O'MALLEY, C.I.E.

The Hon'ble MR. G. N. ROY.

The Hon'ble MR. A. MARR.

The Hon'ble MR. W. W. HORNELL, C.I.E.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DAULA AMIR-UL-OMRAH NAWAB SIR ASIF QADR SAIYID WASIF ALI MIRZA KHAN BAHADUR MAHABAT JANG, K.C.S.I., K.C.V.O., NAWAB BAHADUR OF MURSHIDABAD.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. C. D. M. HINDLEY.

The Hon'ble MR. F. M. LESLIE.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. M. CATHCART.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble HONORARY LIEUTENANT-COLONEL SURESH PROSAD SARBADHIKARI, C.I.E., B.A., M.D., I.M.S.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. R. M. WATSON-SMYTH.

The Hon'ble MR. A. D. PICKFORD.

The Hon'ble RAI UPENDRA LALL RAY BAHADUR.

The Hon'ble MR W. L. TRAVERS, O.B.E.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MR. KABEERUD-DIN AHMED.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU SARAT CHANDRA CHAKRABARTTY.

LIST OF BUSINESS—ITEM No. 1.

Affirmation of Allegiance.

The Hon'ble RAI UPENDRA LAL RAY BAHADUR, the Hon'ble HONORARY LIEUTENANT-COLONEL SURESH PROSAD SARBADHIKARI and the Hon'ble MR. KABEERUD-DIN AHMED made an affirmation of their allegiance to the Crown.

LIST OF BUSINESS—ITEM No. 2.

STARRED QUESTIONS.

The following questions which had been starred were put and answered:—

By the Hon'ble Rai Debender Chunder Ghose Bahadur:—

***1.**

(*a*) Will the Government be pleased to state—

(*i*) what steps, if any, have been taken by them during the course of the year ending August, 1920, for easing the situation in Calcutta and its neighbouring districts in the matter of coal supply, and

(*ii*) what are the present difficulties in the way of Calcutta and its neighbouring districts getting an adequate supply of coal for commercial and domestic purposes?

(*b*) Are the Government aware of an opinion that has been expressed that the public of this province are being injuriously affected by the present system of coal control and of the evil effect of exporting Bengal-Bihar coal from Bombay instead of from Calcutta, as formerly?

(*c*) Are the Government considering the feasibility of making a recommendation to the proper authorities to increase the number of coal wagons on the railways by means of loans or advances from the public exchequer?

(*d*) Are the Government considering the desirability of taking executive measures to secure a larger production of bricks and a reduction in their price by obtaining a better supply of coal to the public?

(*e*) Will the Government be pleased to say whether the Public Works Department has stopped working its brick factory at Akra in the 24-Parganas district, and, if so, why?

Answer by the Hon'ble Mr. Marr:—

"(*a*) The Hon'ble Member is referred to the answer given to unstarred question No. 38, asked by the Hon'ble Babu Bhabendra Chandra Ray in the meeting of the Legislative Council on the 5th March 1920. The fundamental difficulty is the shortage of coal wagons, which is affecting supplies throughout India and not only in Calcutta and the neighbourhood.

(*b*) The Hon'ble Member is referred to paragraph 4 of the Government of India's press *communiqué*, dated the 9th July, 1920.

(*c*) The question of increase in the number of wagons, is one for the Government of India, and is known to be engaging their attention.

(*d*) In July, 1920, at the instance of members of the Public Works Conference, the Government of India, Commerce Department, was moved to admit 'public works' undertaken by Government, by railways and by public bodies in Calcutta and the neighbourhood, as 'an essential industry,' with a view to securing better facilities in the matter of the carriage of coal

required for brick-making for those works. The object aimed at is to leave private brick supplies free to meet private operations connected with the demand for new buildings for both residential and commercial purposes The reply of the Coal Controller, to whom the matter was referred, indicates that during the first seven months of 1920, the wagon supply in the coal fields was unequal to the demand, and that this and the demand for wagons for other essential purposes had resulted in a shortage in the supply of wagons for brick-making coal It is stated that the present position is that the two railways concerned with the supply of coal are working up to their full capacity and it is understood that a good quantity of brick-making coal is now being loaded and despatched. It is, however, impossible to say for how long the more generous allotment of wagons for the carriage of brick-burning coal can be allowed to continue.

(*e*) No. Bricks were manufactured during the season 1919-20, and arrangements have been made for their manufacture during the coming season."

By the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy:—

***II.**

Pay and prospects of the Provincial Medical Service

Will the Government be pleased to state whether there is any proposal before Government for improving the pay and prospects of the Provincial Medical Service (Civil)? If so, when is it likely to be given effect to?

Answer by the Hon'ble Mr. Marr:—

"Proposals for the improvement of the pay and prospects of Civil Assistant Surgeons in Bengal are now under the consideration of the Government of India, whose orders are awaited. The pay of Civil Sub Assistant Surgeons was revised last in June, 1918; the Medical Services Committee made certain proposals in this connection which, on the whole, give less favourable results than those now obtaining; it is not therefore proposed to adopt them."

By the Hon'ble Dr. Abdulla-al-Mamun Suhrawardy:—

***III.**

Resignation of his seat in Council by the Hon'ble Maulvi Fazl-ul-Haq.

Will the Government be pleased to state whether there is any truth in the report that the Government refused to accept the resignation by the Hon'ble Maulvi A. K. Fazl-ul-Haq of his office of Additional Member of the Bengal Legislative Council? If so, will the Government be pleased to state the reasons thereof?

Answer by the Hon'ble Mr. Stephenson:—

"The facts are as follows: On the 21st July, 1920, Maulvi Abul Kalam Azad forwarded to the Secretary to the Legislative Council two documents purporting to be letters from the Hon'ble Maulvies Fazl ul-Haq and Abul Kasem resigning their seats on the Bengal Legislative Council. Both letters were undated and in neither case was any reason for the resignation which was tendered given. Maulvi Kalam Azad was informed in reply that His Excellency the President was not prepared to consider resignations of Hon'ble Members of the Legislative Council tendered through a third party and that if an Hon'ble Member wished to resign he should communicate his desire direct. This decision has also been communicated direct to the two Hon'ble Members concerned. The Hon'ble Maulvi Abul Kasem is believed to be in England and no reply could yet have been received from him. The Hon'ble Maulvi A. K. Fazl-ul-Haq has not replied to His Excellency's request that he may be informed if the Hon'ble Member wishes to resign."

UNSTARRED QUESTIONS.

(Answers to which were laid on the table.)

.the Hon'ble Babu Kishori Mohan Chaudhuri:—

1. Will the Government be pleased to lay on the table a statement showing e receipts and expenditure of *talabana* fees paid by parties in civil suits d appeals, etc., during the last 5 years?

nswer by the Hon'ble Mr. Roy:—

" Statements are laid on the table. "

'tatement referred to in the answer to question No. 1 (unstarred) by the Hon'ble BABU KISHORI MOHAN CHAUDHURI *asked at the Council meeting on the 1st September, 1920, showing receipts of "talabana" fees.*

Serial No.	DISTRICT.	1915	1916.	1917	1918	1919
		Rs.	Rs	Rs.	Rs	Rs
1	Nadia	78,766	80,275	79,002	78,843	85,396
2	Bankura	57,228	56,557	72,303	58,617	68,955
3	Faridpur	1,48,680	1,83,757	1,81,131	1,79,557	1,96,089
4	Dinajpur	79,382	89,158	83,975	90,653	96,322
5	Mymensingh ...	2,36,787	2,53,479	2,96,198	2,99,448	3,20,631
6	Hooghly	1,02,635	1,13,110	1,04,164	1,01,560	1,39,089
7	Chittagong ...	1,18,382	1,23,673	1,31,130	1,21,378	1,15,307
8	Noakhali	1,08,322	1,28,102	1,44,438	1,43,548	1,54,620
9	Khulna	1,08,894	1,12,517	1,08,069	1,08,742	1,22,022
10	Birbhum	53,393	52,803	54,538	56,829	61,169
11	Jessore	1,07,789	1,17,485	1,11,079	1,03,033	1,16,322
12	Tippera	1,70,930	1,95,856	2,23,442	2,14,676	2,18,745
13	Dacca	1,84,607	2,06,598	2,00,274	2,07,854	1,98,945
14	24-Parganas ...	1,48,069	1,67,658	1,56,506	1,75,569	1,88,230
15	Rangpur	1,06,255	1,23,421	1,13,351	1,47,544	1,33,169
16	Murshidabad ...	67,314	73,567	73,548	74,429	73,223
17	Midnapore ...	1,35,496	1,48,186	1,65,043	1,62,218	1,76,752
18	Pabna and Bogra ...	86,763	1,06,016	1,03,989	97,279	1,04,540
19	Rajshahi and Malda ...	72,929	76,213	76,861	81,111	90,01[illegible]
20	Burdwan	68,442	72,137	75,343	87,519	82,42[illegible]
21	Bakarganj ...	2,44,840	2,70,960	2,77,535	2,68,092	2,88,17[illegible]
	Total ...	24,86,503	27,51,520	28,31,820	28,58,409	30,30,1[illegible]

Statement referred to in the answer to question No. 1 (unstarred) by the L
BABU KISHORI MOHAN CHAUDHURI *asked at the Council meeting on the 1st Sept 1920, showing expenditure of "talabana" fees.*

Serial No.	DISTRICT.	1915.			1916.			1917.			1918.			191
		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.
1	Nadia	22,439	0	0	21,380	0	0	19,828	0	0	21,513	0	0	23,443
2	Bankura	18,102	0	0	17,568	0	0	17,074	0	0	19,604	0	0	22,555
3	Faridpur	36,537	4	5	35,949	7	9	36,707	4	9	43,525	10	10	49,852
4	Dinajpur	19,158	0	0	19,110	0	0	17,958	0	0	17,910	0	0	24,714
5	Mymensingh ...	71,541	0	0	70,343	0	0	71,966	0	0	85,908	0	0	95,850
6	Hooghly	22,633	0	0	21,658	0	0	20,772	0	0	26,592	0	0	31,792
7	Chittagong ...	26,515	0	0	26,856	0	0	26,136	0	0	31,890	0	0	36,340
8	Noakhali	25,263	0	0	24,144	0	0	24,028	0	0	30,199	0	0	31,192
9	Khulna	35,636	0	0	33,670	0	0	34,302	0	0	37,924	0	0	39,929
10	Birbhum	13,408	0	0	13,412	0	0	12,686	0	0	14,482	0	0	12,217
11	Jessore	39,195	4	0	38,991	8	0	38,309	2	0	42,614	15	0	47,329
12	Tippera	50,228	0	0	53,567	0	0	50,633	0	0	46,726	0	0	58,546
13	Dacca	48,265	0	0	49,136	0	0	46,895	0	0	58,105	0	0	64,004
14	24 Parganas ...	34,622	0	0	37,616	0	0	54,390	0	0	42,512	0	0	48,026
15	Rangpur	24,482	0	0	22,974	0	0	23,600	0	0	28,886	0	0	33,217
16	Murshidabad ...	25,970	0	0	25,735	0	0	24,376	0	0	28,368	0	0	29,327
17	Midnapore ...	25,093	0	0	24,252	0	0	23,235	0	0	24,452	0	0	25,528
18	Pabna and Bogra ...	19,609	0	0	20,387	0	0	20,244	0	0	23,580	0	0	27,387
19	Rajshahi and Malda ...	21,078	0	0	20,970	0	0	20,499	0	0	23,618	0	0	26,059
20	Burdwan	23,884	0	0	24,957	0	0	23,977	0	0	26,041	0	0	26,304
21	Bakarganj ...	80,538	0	0	82,968	0	0	90,015	0	0	91,270	0	0	1,10,49
	Total ...	6,84,196	8	5	6,85,643	15	9	6,97,630	6	9	7,65,720	9	10	8,64,10

NOTE.—The figures represent only the actual cost of the process-serving establishment.

By the Hon'ble Babu Akhil Chandra Datta:—

2.

Grievances against Babu Pasupati Bose

(*a*) Are the Government aware that the members of the Pabna Bar and the litigant public of that district are highly dissatisfied with Babu Pashupati Bose, 1st Subordinate Judge of Pabna, and that the members of the Pabna Bar Association have submitted a representation to the District Judge of Pabna and Bogra formulating their grievances against the said Subordinate Judge?

(*b*) Are the Government considering the desirability of inquiring whether there is any foundation for the complaints against the said officia and of taking such action as the circumstances may require?

Answer by the Hon'ble Mr. Roy:—

"(*a*) Government are aware that the members of the Pabna Bar Association lately submitted a representation to the District Judge of Pabna and Bogra against Babu Pashupati Bose, 1st Subordinate Judge of Pabna.

(*b*) The District Judge has dealt with the representation. Government do not propose to take any action in the matter."

SUPPLEMENTARY QUESTION.

The following supplementary question was asked by the **Hon'ble Babu Akhil Chandra Datta :—**

Is it a fact that the judge made the man rub his nose against the wall?

Answer by the Hon'ble Mr. Roy:—

I am not prepared to answer the question off-hand. I must have notice.

By the Hon'ble Babu Akhil Chandra Datta:—

3.

(*a*) In connection with the scheme of partition of the district of Mymensingh, will the Government be pleased to state whether Iswarganj was proposed to be the headquarters of a subdivision of the proposed district of Kishoreganj?

(*b*) Is it a fact that in consequence of a representation made by the people of Atharabari and other neighbouring villages it has now been proposed and decided to make Atharabari the headquarters of the proposed subdivision?

(*c*) Will the Government be pleased to state what place has been selected as the headquarters of the proposed subdivision?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) Yes.

(*b*) Owing to the transfer of certain villages from the proposed district of Kishoreganj to the new district of Mymensingh, the village of Iswarganj now lies very close to the northern boundary of the proposed new subdivision, and is no longer the most suitable site for its headquarters. A representation to this effect was made by the people of Atharabari and neighbouring villages. After considering the relative merits of the two places, the Governor in Council has decided that under the altered circumstances Atharabari is the more suitable site for the headquarters of the proposed subdivision.

(*c*) Atharabari."

By the Hon'ble Babu Akhil Chandra Datta:—

4.

Will the Government be pleased to state—

(*a*) the circumstances and reasons which led to the appointment of the Director of Information;

(*b*) the exact scope of the duties prescribed for him;

(*c*) his relation to the press;

(*d*) his pay; and

(*e*) the number and pay of officers and menials attached to his office?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*), (*b*), (*c*) and (*d*) The Hon'ble Member is referred to the answer given to unstarred question No. 19 on 4th August, 1920.

(*e*) One clerk on Rs. 60 and two peons on Rs. 11 each per mensem have been sanctioned."

By the Hon'ble Babu Akhil Chandra Datta:—

5.

The Director of Information and the editor of *Basumati*

(*a*) Has the attention of the Government been drawn to the fact that the Director of Information has called upon the editor of the *Basumati*—a vernacular Calcutta paper—to adduce evidence in support of the remarks made in the said paper about the character of Assam tea planters?

(*b*) Will the Government be pleased to state—

(*i*) whether it was within the scope of the legitimate duties defined for the Director of Information to take such action;

(*ii*) whether the Director of Information took the aforesaid action with respect to the *Basumati* of his own initiative or under the orders of the Government or at the instance of the tea planters of Assam?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) Government is aware that the Director of Information requested the editor of the *Basumati* to give the evidence on which he based the remark referred to.

(*b*) (*i*) The Director of Information is authorised to correspond with the editors of papers for the purpose of correcting misrepresentations or misapprehensions.

(*ii*) The Director of Information took action on his own initiative."

By the Hon'ble Babu Akhil Chandra Datta:—

6.

The Director of Information and the editor of *Epiphany*

(*a*) Will the Government be pleased to state whether the Director of Information called upon the editor of the *Epiphany* to justify and substantiate the imputations published recently in the said paper about the character of Hindu widows?

(*b*) If the answer be in the negative, will the Government be pleased to state whether the Director of Information has been asked to explain his omission to call upon the editor of the *Epiphany* to substantiate the imputations made against Hindu widows?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) and (*b*) The answer is in the negative."

By the Hon'ble Babu Akhil Chandra Datta:—

7.

(*a*) Is it a fact that the copyists and typists attached to the office of the District Magistrate of Bakarganj have submitted a memorial to His Excellency the Governor of Bengal praying as follows:—

Mem the c typi offic Mag Bak

(*i*) that to obviate the hardships entailed by the piece work system typists and copyists may be amalgamated into the general establishment of the Magistrate and Collector or converted into a regular establishment on a time-scale salary,

(*ii*) that their posts be made pensionable with attendant privileges;

(*iii*) that in the case of an appointment being made in the regular line preference may be given to the claims of suitable candidates among the copyists and typists, and in case of appointments being made from among them, their previous service as copyists or typists may count as qualifying service, and

(*iv*) that pens, ink, blotting paper, typewriters and ribbons, etc., required for the preparation of copies, be supplied at Government expense?

(*b*) What orders, if any, have been passed on the said memorial?

(*c*) If no orders have yet been passed, are the Government considering the desirability of acceding to their prayer?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) Yes.

(*b*) No orders have yet been passed

(*c*) The matter is under examination."

By the Hon'ble Babu Akhil Chandra Datta:—

8.

(*1*) Will the Government be pleased to lay on the table a statement

Co typ Con

(*a*) showing separately the income derived during the last five years from the work of the copyists and typists employed in (*i*) Civil Courts, (*ii*) Criminal Courts, and (*iii*) Revenue Courts,

(*b*) showing separately the amounts paid by way of remuneration to the said copyists and typists for the work done by them during the last five years, and

(*c*) showing how the surplus, if any, is utilised?

(*2*) Will the Government be pleased to state

(*a*) when the system of payment by fees was first introduced in respect to the said copyists and typists,

(*b*) what was the basic principle of that system and

(*c*) when the present scale of fees was introduced?

(*3*) Will the Government be pleased to lay on the table the correspondence which took place between the Government of Bengal and the Government of India in 1904 or thereabout as to the desirability of effecting some improvement in the position of the copyists and typists?

(*4*) Will the Government be pleased to state—

(*a*) what improvement, if any, was effected in their position as the result of that correspondence;

(*b*) what has been the average income of the copyists and typists during the last five years;

(*c*) whether there are any maximum and minimum amounts fixed regarding the monthly income of the copyists and typists; and

(*d*) whether they are required to do any work for which they are not paid by fees or otherwise?

(*5*) Is it in the contemplation of the Government to effect some improvement in their position?

(*6*) Will the Government be pleased to consider the desirability of introducing the system of fixed pay and pension with respect to the copyists and typists?

Answer by the Hon'ble Mr. Roy:—

" (*1*) (*a*), (*b*) and (*c*) A statement is laid on the table.

(*2*) (*a*) The system of remunerating copyists by means of fees was in existence in the Civil and Criminal Courts in 1861. It is not known when it was first introduced in those courts. The system was introduced in the Revenue Courts in 1850.

(*b*) It is not known what was the basic principle of the system.

(*c*) In 1890.

(*3*) In 1904 this Government recommended to the Government of India that those copyists in Civil and Criminal Courts in Bengal who were permanently employed should be brought within the scope of article 380 of the Civil Service Regulations. The Government of India, considering that the work performed by copyists was to a large extent mechanical and therefore rightly paid (in most cases) by the piece, did not accept the recommendation of this Government. This correspondence cannot be laid on the table.

(*a*) No improvement was effected as a result of the correspondence.

(*b*) The average annual income per head of copyists and typists during the last 5 years has been—

(1) in Criminal Courts—Rs. 421-0-2;

(2) in Civil Courts—Rs. 457-5-4;

(3) in Revenue Courts—Rs. 285-12-3.

(*c*) In Civil and Criminal Courts the number of copyists is so regulated that each may earn an average sum of Rs. 30 a month in the case of copyists who are not typists and Rs. 50 a month in the case of typists who provide their own machines. If average earnings fall regularly below this rate, the establishment is reduced. In Revenue Courts the number of copyists and typists is so regulated that each vernacular copyist may earn at least Rs. 15 a month, each English copyist Rs. 25 or Rs. 30, at the discretion of the Collector, and each typist who provides his own machine Rs. 50 a month.

(*d*) Yes.

(*5*) No.

(*6*) Government are not prepared to consider the question at present. "

Statement referred to in the answer to question No. 8 (unstarred) by the Hon'ble BABU AKHIL CHANDRA DATTA, *asked at the Council meeting on the 1st September, 1920.*

INCOME DERIVED DURING THE LAST FIVE YEARS FROM THE WORK OF COPYISTS AND TYPISTS EMPLOYED IN CIVIL, CRIMINAL AND REVENUE COURTS.			AMOUNT PAID AS REMUNERATION TO THE COPYISTS AND TYPISTS FOR THE WORK DONE BY THEM DURING THE LAST FIVE YEARS			How surplus, if any, utilized
Civil Courts.	Criminal Courts.	Revenue Courts.	Civil Courts.	Criminal Courts.	Revenue Courts.	
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs.	Rs. A. P.	
29,68,903 7 1	5,33,478 7 10	4,26,336 13 0	19,74,984 0 3	9,44,490	2,84,984 8 2	Charges on account of the pay of comparing and assistant comparing clerks, leave and pension of comparing clerks, stationery and supervision are met out of the surplus.

By the Hon'ble Babu Akhil Chandra Datta:—

9.

(*a*) Is it a fact that Government recognised some years ago that the pay and status of sub-inspectors of schools are insufficient?

(*b*) What action, if any, has been taken since the publication of the Seventh Quinquennial Review by Mr H Sharp, C.S.I., C.I.E., to improve the pay and status of sub-inspectors of schools?

(*c*) Are the Government aware that the abnormal rise in the price of all necessaries of life is causing great hardship to sub inspectors of schools?

(*d*) Is it in the contemplation of Government to improve the pay and status of this class of officers at an early date?

(*e*) Has any scheme been formulated in this behalf?

(*f*) If so, will the Government be pleased to lay it on the table?

(*g*) If not, are the Government considering the desirability of improving the pay and status of sub-inspectors of schools without any further delay?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*), (*b*), (*d*) and (*g*) It is stated in paragraph 100 of the seventh quinquennial review of the progress of education in India, by Mr Sharp, which was published in 1918, that the pay and status of the subordinate inspecting staff are insufficient. This is a general statement regarding the subordinate staff in British India as a whole and is not applicable only to sub inspectors of schools in Bengal. No special action has been taken to improve the pay and status of sub-inspectors of schools since the publication of this work. Government propose to take up the question of reorganizing the subordinate educational service to which they belong, as well as other services below the provincial educational service, and will appoint shortly a committee to advise on the subject. The sub-inspectors of schools will benefit from any improvement in the subordinate educational service which may be effected by reorganization.

(*c*) Sub-inspectors of schools like other classes of the community are affected by the rise in prices.

(*e*) and (*f*) No scheme has so far been formulated."

By the Hon'ble Babu Akhil Chandra Datta:—

10.

Office accommodation of sub inspectors of schools.

(*a*) Is it a fact that the sub-inspectors of schools have no suitable office accommodation?

(*b*) If so, what action, if any, have the Government taken in this matter?

(*c*) If no action has been taken, are the Government considering the desirability of taking action?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Sub-inspectors of schools are not provided with office accommodation, except at district headquarters, where their work is done at the offices of the deputy inspectors of schools.

(*b*) No action has been taken by Government in this matter.

(*c*) As the office records of the sub-inspectors of schools occupy very little space and they are essentially touring officers, Government do not think it necessary to provide them with office accommodation."

By the Hon'ble Babu Akhil Chandra Datta:—

11.

Sub-inspectors of schools and peons.

(*a*) Are the Government aware—

(*i*) that sub-inspectors of schools are not provided with peons;

(*ii*) that in Assam these officers are provided with peons; and

(*iii*) that in Bengal the Excise and Salt sub-inspectors are provided with peons?

(*b*) Are the Government considering the desirability of providing the sub-inspectors of schools with peons?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) (*i*) The answer is in the affirmative.

(*ii*) Government have no information.

(*iii*) The answer is in the affirmative.

(*b*) The answer is in the negative."

By the Hon'ble Babu Akhil Chandra Datta:—

12.

Travelling allowances of sub-inspectors of schools.

(1) Are the Government aware—

(*a*) that the rates of travelling allowances now prescribed for sub-inspectors of schools are inadequate, and

(*b*) that the travelling allowance of sub-inspectors of schools in Assam has been fixed at Rs. 45 per month?

(2) Are the Government considering the desirability of introducing the same system in Bengal?

Answer by the Hon'ble Mr. O'Malley:—

"(1) (*a*) No representation on the subject has been received.

(*b*) Government have no information on the point.

(2). In view of the replies given above, the question does not arise."

By the Hon'ble Babu Akhil Chandra Datta:—

13.

(*a*) Is it a fact that sub-inspectors of schools are overburdened with their work and that their inspection is cursory?

(*b*) If so, what steps, if any, have been taken by the Government towards the removal of the evil?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) The Director of Public Instruction has represented that the number of schools under the sub-inspectors is too large for thorough and efficient inspection; and he has submitted a proposal for increasing the number of sub-inspectors which is now under the consideration of Government."

By the Hon'ble Babu Akhil Chandra Datta:—

14.

(*a*) Has the attention of the Government been drawn to the fact that the pay of the Excise sub-inspectors is inadequate?

(*b*) Are the Government considering the desirability of improving their pay?

Answer by the Hon'ble Mr. Marr:—

"(*a*) and (*b*) The Commissioner of Excise has the matter under consideration."

By the Hon'ble Babu Akhil Chandra Datta:—

15.

(*a*) Is it a fact that before the amalgamation of the Excise and Salt Departments in 1914, the posts of Excise inspectors and superintendents were filled by promotion from the rank of sub inspectors, but that since the said amalgamation this system has been practically discontinued?

(*b*) Are the Government aware that this has caused dissatisfaction amongst the Excise sub-inspectors many of whom are graduates and none of whom has failed to pass the Intermediate Examination in Arts or Science?

Answer by the Hon'ble Mr. Marr:—

"(*a*) The answer is in the negative

(*b*) In view of the answer to (*a*), the question does not arise."

By the Hon'ble Babu Akhil Chandra Datta:—

16.

Are the Government aware that in many districts Excise sub-inspectors are not provided with Government quarters and that this causes great hardship to them, especially in view of the fact that they are frequently transferred from station to station?

Answer by the Hon'ble Mr. Marr:—

"Excise sub-inspectors employed in the executive line are not provided with Government quarters in any district. Those in charge of warehouses get Government quarters in certain districts, and steps are being taken to provide quarters for them in the other districts as funds become available."

By the Hon'ble Babu Akhil Chandra Datta:—

17.

(*a*) Has the attention of Government been drawn to the fact that peons of the Excise Department have not received the increment of pay which has been allowed to this class of Government servants in other departments?

Pay of peons of Excise Department

(*b*) Are the Government considering the desirability of granting a suitable increment to the pay of peons of the Excise Department?

Answer by the Hon'ble Mr. Marr:—

"(*a*) The pay of the peons of the Excise Department was revised when that department was reorganised.

(*b*) No."

By the Hon'ble Babu Akhil Chandra Datta:—

18.

Inclusion of Darjeeling within the Reforms Scheme.

(*a*) Are the Government aware that a keen desire exists to include Darjeeling within the Reforms Scheme?

(*b*) Will the Government be pleased to state what decision, if any, they have come to on this question?

(*c*) Are the Government considering the desirability of taking necessary steps for the inclusion of Darjeeling within the Reforms Scheme?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) Government have received various representations for the inclusion of the district of Darjeeling within the Reforms Scheme; on the other hand there have also been representations to the opposite effect.

(*b*) By the Bengal Electoral rules, as sanctioned by Parliament and the Secretary of State, the district of Darjeeling has been excluded from the jurisdiction of the Reformed Legislature.

(*c*) No."

By the Hon'ble Babu Akhil Chandra Datta:—

19.

Sardar Bahadur S. W. Laden La taking part in a certain agitation.

(*a*) Are the Government aware that Sardar Bahadur S. W. Laden La, Deputy Superintendent of Police, Darjeeling, openly took an active part in the agitation which has been carried on for some time past by the European residents of Darjeeling for the exclusion of Darjeeling from the operation of the Reform Scheme?

(*b*) What action, if any, have the Government taken against him for participation in political agitation in contravention of Government rules on the subject?

(*c*) Are the Government considering the desirability of transferring Sardar Bahadur S. W. Laden La from Darjeeling?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) Government have no information to this effect.

(*c*) No."

By the Hon'ble Babu Akhil Chandra Datta:—

20.

(*a*) Is it a fact that some Government servants in Bengal have contributed towards what is known as the "Dyer Fund"?

(*b*) If so, are the Government considering the desirability of issuing a circular reminding all Government servants that they are prohibited by the rules from making such contribution?

Contributi the "Dyer Fund" by Governme servants.

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) Government have no information to this effect.

(*b*) A circular has already been issued asking Heads of Departments to call the attention of officers serving under them to the rules on the subject"

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

21.

Will the Government be pleased to state what their programme is as regards spending the amount ear-marked in the current year's budget estimates for sanitary propaganda work?

Sanitary propaga work.

Answer by the Hon'ble Mr. O'Malley:—

"Government are not yet in a position to make a statement A reply will be furnished to the Hon'ble Member as soon as possible"

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

22.

(*a*) Are the Government aware that on the 12th May, 1920, Babu Satish Chandra Mazumdar, Subdivisional Officer of Tamluk, in the district of Midnapore, took proceedings under the Legal Practitioners Act against Babu Monmotha Nath Haldar, M.Sc., a pleader, for having asked for a copy of an order passed by the said Subdivisional Officer prohibiting pleaders from entering the office room for the inspection of the cases pending in his court?

The case Babu Sat Chandra Mazumd Subdivis Officer o Tamluk.

(*b*) Are the Government aware of the order of the High Court, dated the 11th June, 1920, quashing the said proceedings?

(*c*) In the interests of the public and of pleaders, are the Government considering the desirability of making an inquiry into the conduct of the Subdivisional Officer concerned?

(*d*) Are the Government aware of the feeling that exists between the pleaders at Tamluk and Midnapore and the said Subdivisional Officer, Babu Satish Chandra Mazumdar, as evinced by a resolution passed by the Bar Associations of these two places?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) Government are aware that the proceedings mentioned were taken, but the ground on which proceedings were drawn up is not that given in the question. The grounds as stated in the proceedings are that the pleader in defiance of the orders on the subject insisted upon entering an office room and declined to leave it.

(*b*) Yes.

(*c*) The proceedings of the Subdivisional Officer, his reply to the rule issued by the High Court, and the orders of the High Court are on record, and there does not appear to be any necessity for a further inquiry.

(*d*) Government have received copies of certain resolutions passed by the Midnapore Bar Association, but no such resolutions appear to have been passed by the Tamluk Bar Association. Government are informed that cordial relations exist between the Subdivisional Officer and the Tamluk Bar."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

23.

Pay of ministerial officers employed in the Eastern and Western districts in Bengal.

(*a*) With reference to the speech made by the Hon'ble Sir Henry Wheeler in the Legislative Council on the 12th August, 1919, on a resolution of the Hon'ble Babu Akhil Chandra Datta, in which the Hon'ble the Finance Member said that the question of adopting Rs. 30 as the minimum pay in both Western and Eastern Bengal had then been under discussion for some time and at that moment was merely awaiting the examination of a few remaining figures, and that Government were going to raise the initial pay in the Western Bengal districts from Rs. 25 to Rs. 30, will the Government be pleased to state what decision has been come to on the subject?

(*b*) Is it a fact that Government have in contemplation a scheme to bring the scale of pay of all ministerial officers in Western Bengal district offices into line with that drawn by such officers in Eastern Bengal districts? If so, will the Government be pleased to state whether—

(*i*) the Commissioners' offices in Western Bengal are to be included in the scheme; and

(*ii*) whether it is proposed to remove the present disparity of pay between the sarishtadars in Eastern Bengal and Western Bengal?

Answer by the Hon'ble Mr. Marr:—

"The information is being collected and a reply will be furnished to the Hon'ble Member as soon as possible."

By the Hon'ble Babu Sarat Chandra Chakrabarty:—

24.

Secondary education scheme.

Will the Government be pleased to state what amounts have been spent out of the money sanctioned in connection with the secondary education scheme for each of the following classes of educational officers:—

(*a*) teachers of Government high schools who were in the subordinate educational service;

(*b*) inspecting officers who were in the subordinate educational service;

(*c*) officers serving in colleges who were in the subordinate educational service;

before the 21st September, 1919, and

(*d*) other officers?

Answer by the Hon'ble Mr. O'Malley:—

"A statement is laid on the table."

Statement referred to in the answer to question No. 24 (unstarred) by the Hon'ble BABU SARAT CHANDRA CHAKRABARTTY *asked at the Council meeting on the 1st September, 1920, showing amounts which have been spent out of the money, sanctioned in connection with the secondary education scheme, for certain classes of educational officers.*

Serial No.	Classes of educational officers	Service	Amount
			Rs
1	Teachers in Government high schools Before the 21st September, 1919	Subordinate Educational Service.	47,520
2	Inspecting officers. Before the 21st September, 1919.	Ditto	37,380
3	Officers serving in Colleges. Before the 21st September, 1919.	Ditto ...	13,980
4	Other officers	Subordinate Educational Service and Lower Subordinate Educational Service.	1,09,172

By the Hon'ble Babu Sarat Chandra Chakrabartty:

25.

(*a*) Is it a fact that Government have in view a scheme of granting a biennial increment of Rs 40 to the members of the provincial educational service?

Biennial increment pay of members of the educational service.

(*b*) Is it also a fact that in the provincial judicial and executive services a biennial increment of Rs 50 has been sanctioned?

(*c*) Did the Public Services Commission recommend uniform treatment of the aforesaid three services?

(*d*) Are the Government aware of a wide-spread feeling of disappointment and discontent amongst the members of the provincial educational service on the question of the differential treatment of members of the provincial judicial and executive services in comparison with the educational service in the matter of the rate of increment of salaries?

(*e*) Is it a fact that the maximum rates of pay sanctioned for the members of the provincial judicial service and the provincial executive service are Rs. 1,000 and Rs 1,200 respectively, while the maximum pay proposed for the members of the provincial educational service is Rs 800 only?

(*f*) Are the Government considering the claims of the latter service for a biennial increment at the rate of Rs 50?

(*g*) In connection with this question, are the Government aware of an opinion that has been expressed that graduates of the highest educational attainments are not likely to be attracted to the educational service in this country, if the emoluments offered to them be inferior to those offered to the aforesaid two other services?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*f*) The Hon'ble Member is referred to Resolution No. 588 T.—Edn., dated 20th August, 1920, a copy of which is laid on the table The rate of increment is Rs. 40 biennially during the earlier years and thereafter Rs. 50 biennially.

(*b*) Yes, except that Subordinate Judges will remain on the same rate of pay for six years, viz., the 15th to 20th years of service.

(*c*) The answer is in the affirmative.

(*d*) It is believed that there is some discontent among officers of the provincial educational service.

(*e*) The answer is in the affirmative. Rupees 800 is the maximum pay sanctioned by the Secretary of State for the provincial educational service and the local Government cannot, therefore, drafted a scheme which will place the members of this service in the same position as members of the provincial judicial and executive services.

(*g*) Government have no information about the opinion referred to"

Resolution referred to in the answer to question No. 25 (unstarred) by the Hon'ble BABU SARAT CHANDRA CHAKRABARTTY *asked at the Council meeting on the 1st September, 1920.*

REVISED SCALES OF PAY OF THE PROVINCIAL EDUCATIONAL SERVICE.

GOVERNMENT OF BENGAL.

GENERAL DEPARTMENT.

Education.

DACCA, THE 20TH AUGUST 1920.

RESOLUTION— No. 588 T.—Edn.

The Government of Bengal have been authorised by the Government of India to settle the grading of the Provincial Educational Service within the limits of pay fixed by the Secretary of State, viz., a maximum of Rs. 800 a month and a minimum of Rs. 250 a month After careful consideration the Governor in Council has sanctioned the following scale of pay which will have retrospective effect from 1st December 1919:—

Year of service	Scale of pay per mensem
1st year (on probation)	250
2nd year (on probation)	250
3rd year (on confirmation)	300
4th year	300
5th year	340
6th year	340
7th year	380
8th year	380
9th year	420
10th year	420
11th year	460
12th year	460

Year of service.			Scale of pay per mensem
	(*Efficiency bar.*)		
13th year	...	...	... 500
14th year	...	...	... 500
15th year	..	...	... 550
16th year	...	...	... 550
17th year	...	...	... 600
18th year	...	...	... 600
19th year	...	...	.. 650
20th year	...	...	... 650
	(*Efficiency bar.*)		
21st year	...	...	.. 700
22nd year	...	...	... 700
23rd year	..	...	.. 750
24th year	...	...	.. 750
25th year and over	...	...	.. 800

The above orders apply to men's appointments only, and orders will ssue separately regarding the revision of the scale of pay for ladies' appoint nents in the Provincial Educational Service

ORDER.—Ordered that this Resolution be published in the *Calcutta Gazette* for general information

By order of the Governor in Council,

L. S. S. O'MALLEY,

Secy. to the Govt. of Bengal.

By the Hon'ble Babu Sarat Chandra Chakrabartty:

26.

(*1*) Are the Government aware—

(*a*) that no lamps are lighted on the platform of the Goalundo railway station of the Eastern Bengal Railway till 9 P.M.; Goalundo railway

(*b*) that the booking office at the Goalundo railway station is opened for the sale of tickets only half an hour before the starting of trains; and

(*c*) that no lights are placed on the pathway from the Bahadurabad-Goalundo steamer ghat at Goalundo to the railway station at Goalundo?

(*2*) If so, are the Government considering the desirability of taking steps to remove these grievances?

Answer by the Hon'ble Mr. Cowley:—

"(*1*) (*a*) It has been ascertained from the Eastern Bengal Railway management that the platform is not open to the public or lighted till 21 hours, as the first train after dark does not leave till 22·19 hours

The management have recently decided to light part of the platform near the river side at dusk.

(*b*) Yes. This is in accordance with the practice obtaining at railway stations which are not open for 24-hour booking

(*c*) The Railway management report that the pathway referred to is lit with high power lamps.

(*2*) The subjects dealt with in the question have been brought to the notice of the Eastern Bengal Railway management."

By the Hon'ble Babu Sarat Chandra Chakrabartty:—

27.

Rules regarding appointment of deputy superintendents of central jails.

Will the Government be pleased to state—

(*a*) whether there is any rule relating to the appointment of deputy superintendents of central jails:

(*b*) what are the necessary qualifications of candidates for these appointments; and

(*c*) what are the qualifications of the present deputy superintendent of the Dacca central jail and what posts did he hold before he obtained the appointment?

Answer by the Hon'ble Mr. Stephenson:—

" (*a*) and (*b*) These appointments are made in accordance with rule 154 of the Jail Code, which runs as follows:—

Every central jail carrying on a special industry shall have a skilled manufacturer qualified to superintend the manufactory department in all its branches. Such appointment shall be made by special agreement and under the special sanction of Government.

(*c*) The present deputy superintendent of the Dacca central jail, who is only acting in a leave vacancy, served an apprenticeship in a mechanic shop, and in the docks with a short course of electric installation work. Since then he has held the following posts:—

(*1*) engineer in charge of a motor schooner under the East Coast Trading and Navigation Company, Limited Burma, for 12 months.

(*2*) assistant in charge of compressing oxy acetylene and welding under the Oxy Acetylene, Lighting and Welding Company, Burma, for over 9 months;

(*3*) 4th engineer to the Burma Government dredger for 7 months;

(*4*) engineer, Poozamdarug rice mill in Burma, for 5 months, and temporary assistant engineer in the same mill for 4 months;

(*5*) temporary engineer, Kanagto mill, Burma, for 6 months."

By the Hon'ble Babu Bhabendra Chandra Ray:

28.

Cases of fraud committed by exporters or other traders on Rice Controller.

Will the Government be pleased to make a statement, showing—

(*a*) the number of cases of fraud committed by exporters or other traders on the Rice Controller since 1918, which came to the knowledge of the authorities, together with the detailed circumstances of each such case; and

(*b*) in how many of such instances criminal proceedings were started against the offending parties, and with what result?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) No cases of fraud committed upon the Rice Controller, whether by exporters or other traders, have come to the knowledge of the authorities. Disciplinary measures were from time to time taken by the Director of Civil Supplies against merchants violating the conditions under which they had received licenses from him and against merchants contravening Government orders made in pursuance of the control over foodstuffs. In these cases it was found more effective to penalise the offender by curtailing his facilities for further business under Government license than to proceed through the criminal courts.

Instances have occurred of forged documents being used in order to evade restrictions on the movement of rice. In such cases as concerned the office of the Director of Civil Supplies it was found impossible to proceed further, as the presumed offenders, on realising that suspicion had been aroused on presentation of the forged certificates, naturally failed to appear again and remained untraced.

(*b*) It is understood that one or more prosecutions for forgery of priority certificates were instituted, but not by this Government."

By the Hon'ble Babu Bhabendra Chandra Ray:—

29.

(*a*) Has the attention of the Government been drawn to a case in which a Muhammadan woman was charged at Manikganj with attempting to commit suicide and to the evidence disclosing that she and her children had been starving for a few days? Suicide evade s

(*b*) If so, will the Government be pleased to lay a copy of the judgment in the said case on the table?

Answer by the Hon'ble Mr. Roy:—

"(*a*) Yes.

(*b*) A copy of the judgment is laid on the table.

Copy of judgment referred to in the answer to question No. 29 (unstarred) by the Hon'ble BABU BHABENDRA CHANDRA RAY *asked at the Council meeting on the 1st September, 1920.*

EMPEROR *versus* TALUKDAR.

Section 309, Indian Penal Code.

In this case, accused, a poor woman of about 32 with 3 little children and an invalid husband to maintain, attempted to commit suicide by hanging herself from her roof with a rope. Prosecution witness Saki Bibi went there on hearing the cries of accused's little child and saw accused hanging. Saki Bibi shouted for help. Two passers-by came and cut the rope and thus saved the life of the accused.

It appears accused being unable to provide herself and her children with food took the desperate resolve of committing suicide. She has confessed the guilt.

I find her guilty under section 309, Indian Penal Code, of attempting suicide by hanging.

She is a first offender and taking into consideration the circumstances of the case, I order her release on probation of good conduct on her giving security in the sum of Rs. 50 with one surety in the same sum for one year to appear when called upon to receive sentence and in the meantime to be of good behaviour and to keep the peace.

M. ABDULLAH,

Deputy Magistrate, 1st Class.

2-7-20

By the Hon'ble Babu Bhabendra Chandra Ray:—

30.

Subscription to the "Dyer Fund."

(*a*) Is it a fact that several European officers of Government have subscribed to the "Dyer Fund"?

(*b*) If so, will the Government be pleased to state their names and official designations?

(*c*) If the Government have no information in the matter, are they considering the desirability of making an early inquiry and of publishing its results?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) Government have no information.

(*c*) No."

By the Hon'ble Babu Bhabendra Chandra Ray:—

31.

Order of Madras Government in regard to "Dyer Fund" subscription

(*a*) Are the Government aware that the Government of Madras have by a recent order prohibited their officers to subscribe to the "Dyer Fund," on the ground that such action constitutes an offence against the Government Servants' Conduct Rules?

(*b*) Are the Government aware of an opinion that has been expressed that such action on the part of European officers would serve to foster racial animosity and disaffection against Government?

(*c*) Is there any Government of India circular in the matter or have the Government made any reference on the subject to the Government of India either before or after the promulgation of the aforesaid order by the Government of Madras? If so, when, and with what result?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) It has been mentioned in the press that such an order has been issued by the Government of Madras, but the local Government have not seen a copy of it.

(*b*) No.

(*c*) The Hon'ble Member is referred to the answer given to question 20 (*b*)."

By the Hon'ble Babu Bhabendra Chandra Ray:—

32.

Subscription to Jallianwallabagh Memorial Fund.

Have the Government raised any objection to Indian officials openly subscribing to the Jallianwallabagh Memorial Fund started under the auspices of the Indian National Congress?

Answer by the Hon'ble Mr. Stephenson:—

"No orders have issued on the point."

By the Hon'ble Babu Bhabendra Chandra Ray:—

33.

(*a*) Are the Government aware of a recent amendment of the Bombay Improvement Act, relating to the provision of housing accommodation for the working classes and the contemplated provision of a large number of tenements thereunder? House accom for wo classes

(*b*) If so, do the Government contemplate taking any similar action in this province?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Government are aware that the City of Bombay Improvement Trust proposed an amendment of the Bombay City Improvement Act so as to enable them to purchase land whenever an opportunity presents itself without waiting to bring the land within the purview of a scheme, the object being to have a reserve of land suitable for location of chawls for the poor dishoused by the Trust's schemes. Government have no information as to the action taken on this proposal.

(*b*) The question of amending section 52 of the Calcutta Improvement Act so as to give the Trust fuller powers as regards rehousing schemes has been considered by this Government, but the matter is one which must be left to the future Minister."

By the Hon'ble Babu Bhabendra Chandra Ray:—

34.

(*a*) Will the Government be pleased to state what encouragement has been given by them for the expansion of housing accommodation for the working and the poorer middle classes in Calcutta since the passing of the Calcutta Rent Act? House accom for wo and po middle in Calc

(*b*) Have the Government any idea as to the amount of actual improvement, if any, in the city's housing accommodation since the said Act came into force?

(*c*) How far and in what manner have the operations of the Calcutta Improvement Trust been affected by the Calcutta Rent Act?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The Hon'ble Member is referred to Resolution No. 81 T. M., dated 24th May, 1920, in which Government undertook to acquire land under the Land Acquisition Act on behalf and at the cost of registered companies formed for housing purposes whose schemes are approved by Government so long as emergent measures are necessary for the development of Calcutta.

(*b*) Government have no information.

(*c*) It has been the practice of the Improvement Trust to allow the owners and occupiers of acquired properties to stay on as tenants on payment of a fixed monthly rent, until they are able to find suitable accommodation elsewhere or until it becomes necessary for the Trust to demolish the building with a view to disposing of the land under section 81 of the Calcutta Improvement Act, or for any other purposes provided in that Act, viz., opening up congested areas, laying out or altering streets or providing open spaces.

It has been represented that there may be difficulty in continuing this practice owing to the provisions of the Calcutta Rent Act. The matter is under the consideration of Government."

By the Hon'ble Babu Bhabendra Chandra Ray:—

35.

Department of Industries in Bengal

Will the Government be pleased to state what progress has been made in organising a Department of Industries in Bengal, and what line of action is proposed to be taken thereby in the near future?

Answer by the Hon'ble Mr. Marr:—

"1 The Departments of Factory Inspection, Boiler Inspection, and Smoke Nuisance have been taken over by the Department of Industries, and their offices and staff are being organised on parallel lines Industrial and Technical Education has also been placed under the Department of Industries.

2. Nominations have been sent to Government for the formation of an Advisory Board of Industries and orders formulating this Board are expected to issue very soon.

3. Applications have been received for the posts of Circle Officers and nominations have been submitted to Government

4. Applications for the posts of Deputy Director and Industrial Engineer have been received, and nominations will be made to Government this month

5 An Industrial Intelligence Officer has been appointed. One of the most important parts of his work will be the study of labour questions

6. The following will indicate briefly the future line of action so far as it can at present be forecasted:—

(1) When the Advisory Board of Industries is gazetted by Government, it is proposed to call a meeting and to elect committees to advise on the different branches of the work of the department, *e.g.*—

(*a*) Technical and Industrial education

(*b*) Factories and Labour questions.

(*c*) Questions relating to large well established industries

(*d*) Questions relating to small or cottage industries.

(2) Circle Offices will be established and Circle Officers will be instructed to make a survey of the present state of affairs.

(3) As far as the staff available permits, special inquiries will be made into the possibility of developing the resources of the country and of starting new industries"

By the Hon'ble Babu Bhabendra Chandra Ray:—

36.

Apportionment of costs of the records of-rights operations in Jessore district

(*a*) With reference to the Government notification No. 600 T.R., dated the 19th May, 1920, relating to the apportionment of the costs of the records-of-rights operations in certain parts of the district of Jessore, will the Government be pleased to state—

(*i*) the amount of the total cost of such operations, per acre, in the case of the Jessore district, as compared with that for the other districts in which settlement operations have been concluded; and

(*ii*) the proportion of such costs borne by the State, and the different grades of landlords and raiyats, respectively, in the case of each of the districts?

(*b*) Will the Government be pleased to explain the aforesaid order, showing particularly—

(*i*) what contributions will have to be made by a landlord, a tenure holder and an under tenure-holder, respectively, in regard to a particular land; and

(*ii*) the amount to be contributed by landlords of various grades for lands in their *khas* possession?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) (*i*) The amount of the total cost of settlement operations, per acre, is as follows:—

Name of district.	Cost per acre.		
	Rs.	A.	P.
Jessore .. .. (1st block. Information for the whole district is not yet available.)	1	13	4
Bakarganj	1	5	6
Faridpur	1	10	1
Jalpaiguri	1	4	11
Mymensingh	1	0	3
Dacca	1	2	3
Midnapore	0	15	4
Noakhali	1	1	5
Tippera	1	1	3
Rajshahi	1	1	5

(*ii*) The proportion of the costs borne by the State has been one fourth of the net costs in all the districts. This is independent of the sums paid by the State in Government estates and in areas under settlement of the land revenue.

The proportion per acre borne or to be borne by the different grades of landlords and raiyats in the districts named below is as follows:

Name of district.	Landlord, including tenure-holders.			Raiyats.			
	Rs.	A.	P.	Rs.	A.	P.	
Jessore	0	13	0	0	7	6	
Midnapore—							
1st block	0	12	0	0	8	0	(except *dahi* and waste)
Waste (except current fallow) and *dahi*	0	5	4	Nil			
Residue of 1st block [Block 1 (*a*)] ...	0	10	0	0	6	0	
Waste and *dahi*	0	2	0	Nil			
2nd block	0	8	0	0	5	0	(except *dahi* and waste and jungle)
Waste (excepting current fallow) and *dahi* and jungle	0	3	6	Nil.			
3rd and 5th blocks	0	10	6	0	5	0	
4th block	0	10	0	0	5	0	
Tippera	0	8	0	0	5	6	
Rajshahi	0	9	8	0	4	8	

The landlord's share was assessed as a whole on all the landlords on each acre of land in accordance with the principles, with necessary modifications according to the circumstances of each district, followed in the case of the Jessore apportionment order.

In other cases the apportionment was framed on a different basis, viz., a profit basis.

(*b*) (*i*) For an explanation of the apportionment order, the Hon'ble Member might refer to the Settlement Officer in case of any difficulty. An illustration is, however, given:

A is a proprietor of 300 acres.
B is a first grade tenure-holder (permanent) of 100 acres.
C is a first grade tenure-holder on an indefinite term, of 100 acres.
D is a second grade temporary tenure-holder under B, of 100 acres.
E are the raiyats of 200 acres under C and D.
F are the raiyats of 60 acres held direct under A.
40 acres are held *khas* by A.

The raiyats E and F will all pay at the rate of 7 annas and 6 pies per acre, *i.e.*, Rs. 121-14.

D will pay 6 annas and 6 pies per acre for 100 acres or Rs. 40-10.
C will pay 6 annas and 6 pies per acre for 100 acres or Rs. 40-10.
B will pay $\frac{3}{4}$ of Rs. 40-10 or Rs. 30-7-6, not paid by D for the lands held by him.

A will pay 13 annas per acre *plus* 7 annas and 6 pies per acre for the 40 acres held *khas*, *i.e.*, Rs. 51-40, will pay 13 annas per acre for the lands let direct to raiyats, *i.e.*, Rs. 48-12; will pay $\frac{1}{4}$ of Rs. 40-10 for the 100 acres held by D or Rs. 10-2-6; and will pay 6 annas and 6 pies per acre for the 100 acres sublet to C, *i.e.*, Rs. 40-10.

	Rs	A.	P.
The proprietor will pay in all	150	12	6
The tenure holders	111	11	6
The raiyats	121	14	6

(*b*) (*ii*) Each landlord pays for *khas* lands, in addition to the landlord's share payable by him, the 7 annas and 6 pies per acre which would be payable by a raiyat if the land were sublet."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

37.

Acquisition of land in Bogra for Judge's quarters and police barracks

(*1*) Is it a fact that about 50 bighas of land in the Maltinagar ward of the Bogra Municipality is proposed to be acquired for the additional Judge's quarters and police barracks?

(*2*) Will the Government be pleased to state

(*a*) whether the Municipal Commissioners of Bogra unanimously passed a resolution requesting the District Magistrate to select some other sites in the western part of the town which are unoccupied and which would lead to an extension of the municipal area and add to the income of the municipality and effect an improvement of the town generally;

(*b*) what action has been taken by the District Magistrate in response to the resolution;

(*c*) (*i*) whether 36 families who have been threatened with eviction from their homesteads, some of over hundred years' standing, approached first the District Magistrate and then the Divisional Commissioner; and

(*ii*) if so, with what result; and

(*d*) (*i*) whether they also submitted a memorial on the 8th November last to His Excellency the Governor setting forth the grounds against such acquisition; and

(*ii*) if so, what reply have the Government been pleased to vouchsafe to the memorialists?

Answer by the Hon'ble Mr. Stephenson:—

"(*1*) There is a proposal to acquire some 46 bighas of land in the Maltinagar ward of the Bogra Municipality for police lines. It was proposed to acquire another 4 bighas adjoining this for the additional Judge's house, but it has been decided to adopt an alternative site for this.

(*2*) (*a*) and (*b*) The Municipal Commissioners of Bogra passed a resolution requesting the Magistrate to select some other sites on the western part of the town. After consideration of this resolution, the Magistrate was of opinion that these sites were not satisfactory and that the original proposals should be adhered to.

(*c*) (*i*) and (*ii*) The proposal involves the eviction of about 25 families. These and others approached the Magistrate and Commissioner, who adhered to their opinion that the scheme should be proceeded with.

(*d*) (*i*) and (*ii*) A memorial was submitted to Government against the acquisition. No reply has yet been sent to it, as the proposal with regard to the police lines has not yet reached Government."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

38.

Will the Government be pleased to state on what grounds a distinction was made between the teachers of Government high schools and all other officers in giving promotion under the secondary education scheme in the case of the lower subordinate educational service, while no such distinction was made in the case of the subordinate educational service? Promotion under the secondary education scheme.

Answer by the Hon'ble Mr. O'Malley:—

"The question is based on the assumption that clerks and librarians previously in the subordinate educational service were not accorded the same treatment as clerks and librarians who were in the lower subordinate educational service and the ungraded service. The assumption is incorrect. Actually there was only one clerk or librarian in the subordinate educational service, and he will be provided with a suitable post elsewhere as soon as a suitable opportunity occurs, his successor being appointed in the clerical service on Rs. 30–1–50. All clerks or librarians in the lower subordinate educational service or ungraded service have been placed in the clerical service."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

39.

(*1*) Are the Government aware—

(*a*) that the waiting room for female passengers of the third and intermediate class at the Narayanganj railway station is very small,

(*b*) that there is only one waiting room for first and second class passengers, both male and female, and

(*c*) that the female passengers are put to inconvenience for want of proper accommodation? Waiting room at Narayanganj railway station.

(*2*) Are the Government considering the desirability of taking steps to remedy this hardship and inconvenience?

Answer by the Hon'ble Mr. Cowley:—

"(1) (*a*) The Eastern Bengal Railway management recognize that the waiting room is small and are taking steps to extend the accommodation.

(*b*) Yes.

(*c*) The Railway management state that the waiting room for 1st and 2nd class passengers is very seldom used and then only for short periods. The want of accommodation for these classes of passengers has not come to notice.

(2) The Eastern Bengal Railway administration are taking steps to increase the waiting room accommodation, but do not propose to provide separate rooms for males and females as there does not appear, at present, to be sufficient demand."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

40.

Overbridge crossing on the Nawabpur road, Dacca.

In answer to my unstarred question No 31 put on the 12th August, 1919, the Government were pleased to state that the railway authorities were considering schemes for substituting an overbridge crossing. Will the Government be pleased to state what progress, if any, has since been made?

Answer by the Hon'ble Mr. Cowley:—

"The railway authorities have under consideration plans for remodelling the station yard at Dacca and have reserved provisionally an alignment for an overbridge in substitution of the level crossing. The design of the bridge will be taken up when the plans for remodelling the yard have been completed."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

41.

Vacancies in the subordinate civil service.

(*a*) Will the Government be pleased to state

(*i*) the number of vacancies in each grade of the subordinate civil service; and

(*ii*) when they contemplate filling up these vacancies?

(*b*) Are the Government aware that by keeping these vacancies open hardship is being caused to many officers who would have received promotion to the next higher grade?

(*c*) Are the Government considering the desirability of taking early steps to fill up these vacancies?

Answer by the Hon'ble Mr. Stephenson:—

"The Hon'ble Member is referred to the promotions appearing in to-day's Gazette."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

42.

Will the Government be pleased to state—

(*a*) what steps have been taken to revise the cadre of the provincial civil service so as to avoid the future employment of sub-deputy collectors in work ordinarily done by deputy collectors in accordance with the announcement made by the Hon'ble Mr. Kerr in this Council on the 4th July, 1919.

Arrangement consequent on revision of the cadre of provincial civil service

(*b*) the number of officers by which the cadre of the provincial civil service will thereby be increased,

(*c*) how the Government contemplate recruiting to meet this increase of the cadre in the provincial civil service, and

(*d*) whether in the event of any increase in the cadre on the above account the Government will be pleased to consider the desirability of making the entire recruitment from the sub deputy collectors?

Answer by the Hon'ble Mr. Stephenson:—

"Commissioners have been asked to estimate the requirements of the districts in their divisions on the basis of the existing work which falls within the scope of the Provincial Executive Service. Their replies are now under consideration, but it is at present impossible to give the other information which the Hon'ble Member desires."

By the Hon'ble Rai Sri Nath Ray Bahadur:—

43.

(*a*) Is it a fact that probationary deputy collectors who are selected from the subordinate civil service have to undergo a probationary period of about two years?

Probationary deputy collectors selected from subordinate civil service

(*b*) Will the Government be pleased to state the principle on which such sub-deputy collectors undergo the above probationary period?

(*c*) Is it a fact that those sub deputy collectors who are chosen as deputy collectors had already passed their departmental examination and had already served their period of training in the subordinate civil service?

(*d*) Are the Government considering the desirability of appointing these officers as sub. *pro tem.* in the last grade of deputy collectors?

(*e*) Are the Government aware that these sub deputy collectors lose about two years and are thereby debarred from attaining the grade which they would have otherwise been entitled to?

Answer by the Hon'ble Mr. Stephenson:—

"Under rule 14 of the rules for the recruitment of the executive branch of the Provincial Civil Service there is no minimum period of probation in the case of persons promoted from the Subordinate Civil Service. They are eligible for substantive *pro tempore* appointments as soon as vacancies are available."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

44.

Will the Government be pleased to state—

Affiliation of Salimulla College at Ramna.

(*a*) whether the Salimulla College has been affiliated to the Calcutta University, or it is in contemplation to seek such affiliation; and

(*b*) whether the starting of the Salimulla College at Ramna, in the midst of the University institution is in conformity with the letter and spirit of the recommendations of the University Commission?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The 1st and 2nd year classes of the Dacca College have, in view of future developments, been organised in a separate building in the Dacca College compound, and arrangements for their instruction have been made on lines approximating to those recommended by the Calcutta University Commission for intermediate colleges. The future development of this intermediate section of the Dacca College into an independent intermediate college designed on the lines advocated by the Calcutta University Commission is contemplated, but until the Dacca University Act comes into force there can be no question of the 1st and 2nd year classes of the Dacca College ceasing to work in affiliation to the Calcutta University. The new arrangements made for the instruction of these classes have been reported to the Calcutta University.

(*b*) The arrangements are temporary."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

45.

Will the Government be pleased to state

Intermediate college for girls in Dacca.

(*a*) what steps have been taken to give effect to the recommendations of the University for starting an intermediate college for girls in Dacca; and

(*b*) what provision in the scheme referred to in unstarred question No. 83 asked at the Council meeting on the 4th August, 1920, has been made for appropriation of the buildings at Dacca for residential and tutorial arrangements for girl students of the University?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The matter is under the consideration of the Director of Public Instruction and Government are awaiting his proposals.

(*b*) No such provision has been made. The Hon'ble Member is referred to the following remarks of the Calcutta University Commission:—

'The developments of the higher education of women in India are in an early and experimental though critical stage, and we refrain from suggesting immediate action at Dacca except in respect of the intermediate college. We recommend that the University of Dacca should have power—

(*i*) to make such provision of teaching or of residential accommodation for women as further experience may show to be desirable,

(*ii*) to appoint a board for the higher education of women, and to make such assignments of funds out of its revenues as it may from time to time think expedient,

(*iii*) to institute degrees, diplomas and certificates for women and to award these on such conditions as to study, residence and attainments as, in the light of further experience, they may deem desirable.'

The matter is one for the University when established, and Government do not propose to take any action in the meantime."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

46.

(*a*) Will the Government be pleased to state whether the Dacca Law College is a separate institution or a department of the Dacca College? Relation Dacca Law College to Dacca College

(*b*) If it is a separate institution, whether Mr. Turner is the Principal of the law college, and, if so, what are his qualifications for the post and when and by what order of the Government was he appointed to the post?

(*c*) Will the Government be pleased to state

(*i*) who are the members of the governing body of the Dacca Law College and when they were appointed, and

(*ii*) whether the governing body of the Dacca College is also the governing body of the Law College?

(*d*) Will the Government be pleased to state

(*i*) whether Mr. Turner has been specifically appointed as the Principal of the Dacca Law College, and, if not, why no appointment has been made to the post since Mr. Archbold left, and

(*ii*) whether Mr. Turner's appointment was notified to the University and its sanction, as required, obtained, and, if not, why?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) The scheme for the establishment of the Dacca Law College which was proposed by the Government of Eastern Bengal and Assam and sanctioned by the Secretary of State in 1910 involved the replacement of the existing law classes of the Dacca College by a Law College on a quasi-independent basis, but closely connected with the Arts College by the circumstances—

(*a*) that the governing body of the Law College, with a slight addition to its strength, was to be identical with that of the Arts College;

(*b*) that the Law College was to be held in the buildings of the Arts College; and

(*c*) that the Principal of the Arts College was to be also Principal of the Law College.

These arrangements remain unchanged except in so far as—

(*i*) the Dacca Law College is not now accommodated in the same buildings as the Dacca Arts College, it having been removed in 1917 to the old Secretariat building which is quite close to the Arts College, and

(*ii*) the membership of the governing body of the Dacca Arts College has been enlarged.

(*c*) (*i*) and (*ii*) Under this scheme the governing body of the Law College was to be identical with that of the Dacca Arts College, with the addition of the Legal Remembrancer and of one member of the Law College in place of any professor or professors of the Arts College. The constitution of the committee was therefore to be as follows:—

The Commissioner of the Division—*President.*

The Principal, Arts College—*Vice-President* and *Secretary.*

The Legal Remembrancer.

One of the professors of the Law College.

The constitution of the committee has remained unchanged except that the District Judge, Dacca, has taken the place of the Legal Remembrancer. The present personnel of the Governing Body of the Dacca Law College is shown below with the present personnel of that of the Dacca Arts College:—

DACCA LAW COLLEGE.

(*i*) The Divisional Commissioner—*President.*

(*ii*) The District Judge—*Member.*

(*iii*) The Vice-Principal of the Law College—*Member.*

(*iv*) The Principal of the College—*Vice-President and Secretary.*

DACCA ARTS COLLEGE.

(*i*) The Divisional Commissioner—*President.*

(*ii*) Rai B. N. Das Bahadur—*Representative of the staff.*

(*iii*) Maulvi Muhammad Irfan—*Representative of the staff.*

(*iv*) P. K. Bose, Esq., Barrister-at-Law.

(*v*) The Principal of the College—*Vice-President and Secretary.*

(*d*) (*i*) There is no separate post for the Principal of the Dacca Law College.

(*ii*) Mr. Turner's appointment to the Principalship of the Dacca College is presumably known to the University."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

47.

Affiliation of Dacca Law College.

(*a*) Will the Government be pleased to state—

(*i*) whether the Dacca Law College was separately affiliated to the Calcutta University; and, if so, what were the conditions of affiliation; and

(*ii*) whether the Law College was represented as a separate institution and Mr. Archbold represented as holding the post of the Principal by virtue of his legal qualifications?

(*b*) Will the Government be pleased to lay on the table the papers relating to the affiliation of the Dacca Law College?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) The only letter on the subject which can be traced among the records taken over by this Government from the Government of Eastern Bengal and Assam is letter No. $\frac{1334}{1574}$, dated 3rd September, 1910, in which the Director of Public Instruction for Eastern Bengal and Assam applied to the Calcutta University for the transfer of the affiliation then enjoyed by the Dacca law class to the Dacca Law College. A copy of this letter is laid on the table."

opy of the letter referred to in the answer to question No. 47 (unstarred) by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *asked at the Council meeting on the 1st September, 1920.*

No. $\frac{13386}{1524}$, dated Shillong, the 3rd September, 1910.

From—THE HON'BLE MR. H. SHARP, M.A., Director of Public Instruction, Eastern Bengal and Assam,

To—The Registrar, Calcutta University.

I have the honour to invite a reference to the correspondence ending with your letter No. 323, dated the 15th July, 1909, on the subject of a Law College at Dacca.

2. A scheme for the establishment of a Law College at Dacca has just received the sanction of the Government of India and arrangements are in progress to give effect to the same. Hitherto, with the sanction of the University, the teaching of law for the B.L. degree has continued under the old arrangement.

3. The assurance required under Regulation 6, Chapter XVIII of the University Regulations, is given as follows :—

(*a*) The Law College is being placed under the management of a regularly constituted Governing Body consisting of—

(1) Commissioner, Dacca Division—*President.*

(2) Principal, Dacca Arts College and also Law College—*Vice President and Secretary.*

(3) Legal Remembrancer or such other Judicial Officer as Government may appoint.

(4) The whole-time Professor of the Law College.

The functions of this body will be the same as those of the similar body of a Government college. A copy of the rules defining such functions has already been furnished with my letter No. 9892, dated the 23rd June, 1909, to your address.

(*b*) The teaching staff of the College will be composed of the following :—

(1) W. A. J. Archbold, Esq., M.A., Principal.—He is also the Principal of the Dacca Arts College. He took a First Class in Law at Cambridge and secured too at that University the Whewell scholarship for International Law. He is thus eminently qualified to exercise general supervision over the Law College.

(2) S. Khoda Baksh, Esq., M.A., B.C.L. (Oxford), Vice-Principal, on a salary of Rs. 750 per mensem.—He is practising as a Barrister in Calcutta.

(3) Rai Iswar Chandra Ghosh Bahadur, B.A., B.L., Lecturer, on a salary of Rs. 200 a month.—He is the Senior Government Pleader at Dacca and his practice extends over a period of more than 20 years.

(4) A. Kabir, Esq., Barrister-at-Law, Lecturer, on Rs. 200 a month.—He is practising as a Barrister in the District Judge's Court at Dacca for over 5 years.

The Vice-Principal will be a whole-time Professor. The two Lecturers however, will be allowed private practice. The Government of India, agreeing with the Local Government, consider this staff sufficient for the present needs of the College.

(*c*) The Law College will be located in the new buildings of the Dacca Arts College. Arrangements will, when necessary, be made for supervising the residence of students.

(*d*) A Law Library will be provided for the use of the College. There is in the Arts College library a fair collection of law books which have already been supplemented with a special grant of Rs. 3,000. In addition, Government will give an annual grant of Rs. 3,000 for three consecutive years and thereafter such annual sum as may be necessary to keep the library in good order and up to date. Further, Government has already sanctioned the free gift to the library of all Government legal publications. The library of the Superintendent and Remembrancer of Legal Affairs will also be available for occasional reference.

(*e*) Nil.

(*f*) Due provision has been made for the residence of the Head of the College, and, so far as circumstances may permit, will also be made for some members of the teaching staff.

(*g*) The College is a Government institution.

(*h*) There is no other Law College at Dacca or for the matter of that in the whole province of Eastern Bengal and Assam. The B.L. classes at Rajshahi and Barisal have already been disaffiliated, and thus Dacca forms, for the present, the only centre of legal education up to the B.L. standard in this province.

(*i*) A fee of Rs. 5 will be charged.

Transference of management and all changes in the teaching staff will be at once reported to the Syndicate

No Professor or Lecturer of the College will be allowed, save with the special permission of the Syndicate, to lecture to a class of more than 150 students.

3. The courses of study will be as laid down in the University Regulations for the B.L. degree.

4. In addition to the students for the B.L. degree, it is proposed to admit students reading for the Pleadership Examination under the Regulations of the Hon'ble the High Court. The assent of the High Court to this arrangement has been conveyed to the Government of Eastern Bengal and Assam in letter No. 2143, dated the 11th June, 1909, from the Registrar of the Court. A copy of this letter has already been forwarded with my letter No. 9892, dated the 23rd June, 1909, to your address.

5. I now request that the Hon'ble the Vice-Chancellor and the Syndicate will recommend to the Senate the affiliation of the Dacca Law College for presenting candidates at the B.L. Examination, and that the affiliation now enjoyed by the law class may be transferred to the new institution.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

48.

Will the Government be pleased to state—

Dacca Law College and Dacca College

(*i*) whether the Dacca Law College is a department of the Dacca College;

(*ii*) when it was constituted as such; and

(*iii*) whether such constitution was reported to the University and approved by it?

Answer by the Hon'ble Mr. O'Malley:—

" (*i*) (*ii*) and (*iii*) The Hon'ble Member is referred to the answer given to unstarred questions Nos. 46 and 47 put by him at this meeting."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

49.

Separation of Law College fr Dacca College.

Having regard to the avowed policy of the Government to prepare the ground for the Dacca University from this session, do the Government contemplate completely separating the Law College from the Dacca College? If not, why?

Answer by the Hon'ble Mr. O'Malley:—

" The answer is in the negative Government consider that the existing arrangements may well continue until the Vice Chancellor is able to deal with the matter on behalf of the Dacca University "

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

50.

Conveyance arrangements f girls of Eden High School.

(*a*) Has the attention of the Government been drawn to the inadequate arrangement for the conveyance of girls in the Eden High School?

(*b*) If so, are the Government considering the desirability of-

(*i*) providing the school with an adequate number of suitable buses; and

(*ii*) extending the boarding accommodation of the school?

Answer by the Hon'ble Mr. O'Malley:—

" (*a*) & (*b*) (*i*) The matter is under the consideration of the Director of Public Instruction, Bengal.

(*b*) (*ii*) The Director of Public Instruction has called upon the Committee of Management of the school for a report as to its needs in the matter of accommodation and the probable cost of meeting those needs "

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

51.

Paper manufacture in Bengal.

In view of the shortage and high price of paper, will the Government be pleased to state—

(*a*) what steps they propose to take for the encouragement of paper manufacture in Bengal,

(*b*) what is the nature of the facilities so far given by them towards this end; and

(*c*) to what practical results they have led?

Answer by the Hon'ble Mr. McAlpin:—

" (*a*) and (*b*) The Hon'ble Member is referred to (*f*), (*g*) and (*h*) of the answer to question No. 14, asked by the Hon'ble Babu Akhil Chandra Datta, at the meeting of the Council held on the 18th December, 1919, and to (*a*) (*ii*) of the answer given to question No. 37 asked by the same Hon'ble Member at the same meeting of the Council. The agreement with the India Paper Pulp Company, Limited (of which Messrs. Andrew Yule and Company are the Managing Agents), referred to in answer (*h*) mentioned above, is under execution

(*c*) The India Paper Pulp Company, Limited, are expected to commence work before the 1st January, 1921; Mr. Grenon has not yet commenced work. No practical results have thus been achieved yet.

The success of the project to manufacture paper pulp from bamboos will depend largely on the economic extraction of bamboos from the forests, and this will require large capital."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

52.

Will the Government be pleased to lay on the table a statement showing—

Purdah accommodation in inland passenger steamers.

(*a*) in how many inland passenger steamers separate *purdah* accommodation is provided for third class female passengers; and

(*b*) when it may be expected that all such steamers will be provided with such *purdah* arrangements?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) The following Inland Steamer Companies run passenger services:—

(*i*) The Calcutta Steam Navigation Company Limited

(*ii*) The Rivers Steam Navigation Company, Limited

(*iii*) The India General Navigation and Railway Company, Limited.

None of the steamers of the Calcutta Steam Navigation Company are fitted with separate *purdah* accommodation for 3rd class female passengers.

Forty-one steamers of the other two companies are so fitted and seven others are now being fitted.

(*b*) The Calcutta Steam Navigation Company have reported that as the arrangements now in force regarding accommodation on their steamers have proved adequate in meeting the needs and comfort of passengers, no alteration in the near future is contemplated.

The rest of the steamers of the other two companies will be provided with such accommodation as necessity arises."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

53.

Birth and death rates, sanitation, &c., in Dacca Division.

Will the Government be pleased to make a statement regarding the different subdivisions in the Dacca Division, showing for each of the last 10 years—

(*a*) the birth and death rates;

(*b*) the expenditure per head of the population from local funds for purposes of—

(*i*) sanitation;

(*ii*) water-supply; and

(*iii*) education; and

(*c*) such expenditure from State funds?

Answer by the Hon'ble Mr. O'Malley:—

"The information is not available, and Government regret that it cannot be compiled without an undue expenditure of time and labour."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

54.

Will the Government be pleased to state—

(*a*) the present number of elected members of the different district and local boards in the Dacca Division;

(*b*) the number of elected members allotted to each subdivision in the case of the district boards;

(*c*) when and on what principles these respective numbers were last determined;

(*d*) what changes are now proposed to be effected in the number of elected representatives of the said local bodies, and

(*e*) the principles on which the additional seats on a local body will be allotted to the different electoral units thereof?

Number of elected members of district and local boards in Dacca Division

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) Statements giving the information asked for are laid on the table.

(*c*) The numbers of district board members to be elected by the local boards as shown in the statement were fixed for Dacca district in 1886, for Mymensingh and Bakarganj in 1887 and for Faridpur in 1912. Information is not available as to the principles on which the numbers were fixed in the first three cases. As regards Faridpur, the number appears to have been fixed by the Government of Eastern Bengal and Assam not on the basis of population but with reference to local circumstances.

(*d*) A copy of Government circular Nos. 1-5 T.—L.S.-G., dated 22nd April, 1920, is laid on the table.

(*e*) The Hon'ble Member is referred to the statement made by the Hon'ble Maharajadhiraja Bahadur of Burdwan in reply to a resolution on the subject moved by the Hon'ble Babu Sarat Chandra Chakravarty at the meeting of the Council held at Dacca on 4th August, 1920."

Government circular referred to in the answer to question No. 54 (unstarred) by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *asked at the Council meeting on the 1st September, 1920.*

Circular Nos. 1-5 T.—L.S.-G., dated Darjeeling, the 22nd April, 1920.

From—THE HON'BLE MR. L. S. S. O'MALLEY, C.I.E., I.C.S., Secretary to the Government of Bengal.

To—The Commissioners of the (1) Burdwan, (2) Presidency, (3) Dacca, (4) Chittagong and (5) Rajshahi Divisions.

With reference to your marginally-noted letter on the subject of increasing the proportion of elected members of District Boards, I am directed to say that, after careful consideration, the Governor in Council has come to the conclusion that the proportion of appointed members required to redress inequalities in the working of the elective system and to secure the representation of minorities, and at the same time to provide for an element of official experience and expert knowledge can be reduced to one-third in all districts throughout which Local Boards have been established. The proportion of elected members will, therefore, be raised to two-thirds in all districts, except Bogra and Malda, where all the members are appointed, and Jalpaiguri, Dinajpur and Chittagong, where Local Boards have not been constituted for each subdivision.

(1) No. 728-L.S.-G.—X-17, dated the 2nd June, 1919.
(2) No. 33-L.S.-G., dated the 28th June, 1919.
(3) No. 2754-J., dated the 7th June, 1919.
(4) No. 1266-G.—VIII-6, dated the 28th March, 1919.
(5) No. 3121-M., dated the 17th December, 1919.

2. There is a consensus of opinion that the total number of members of District Boards should be increased and the Governor in Council is pleased to fix the following numbers for the Boards shown below:—

District.	Total No.
Howrah	18
Birbhum, Bankura, Khulna, Pabna, Burdwan, Noakhali	24
Murshidabad, Rangpur, Rajshahi	27
24-Parganas, Nadia, Jessore, Faridpur, Bakarganj, Tippera, Hooghly	30
Mymensingh, Midnapore, Dacca	33

Separate orders will issue in regard to the District Boards of Chittagong and Dinajpur when Local Boards are created for each subdivision

3. The necessary changes both as regards the total strength of the Boards and the proportion of elected members will be made when the term of office of existing members expires. In the meantime, proposals for allotting the seats to be filled by election among Local Boards should be submitted to Government.

Statement referred to in the answer to question No. 54 (unstarred) by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *asked at the Council meeting on the 1st September, 1920, showing the number of elected members of Local Boards in the Dacca Division on 31st March, 1920, and number of members of District Boards elected by each.*

Name of district.	Name of Local Boards	Number of elected members	Number of members of District Boards elected.
Dacca	Sadar	6	4
	Narayanganj	6	3
	Munshiganj	6	4
	Manikganj	5	3
Mymensingh	Sadar	12	3
	Tangail	12	3
	Jamalpur	10	2
	Kishorganj	10	2
	Netrokona	8	2
Faridpur	Sadar	8	3
	Goalundo	4	3
	Madaripur	8	3
	Gopalganj	8	3
Bakarganj	Sadar	12	5
	Pirojpur	10	3
	Patuakhali	6	2
	Bhola	6	2

Statement referred to in the answer to question No. 54 (unstarred) by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *asked at the Council meeting on the 1st September, 1920, showing the number of elected members of District Boards in the Dacca Division on 31st March, 1920.*

District Board	Number.
Dacca	14
Mymensingh	12
Faridpur	12
Bakarganj	12

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

55.

Promotion of drawing and gymnastic masters of high schools.

(*a*) Will the Government be pleased to state the reasons for withholding the due promotions of some of the drawing and gymnastic masters of the high schools, during the distribution of the Government of India grant of nine lakhs of rupees for the improvement of the training and pay of the teachers in the primary and secondary schools in Bengal?

(*b*) Are the Government aware of Sir Alfred Croft's circular, dated the 5th of April, 1894, and its modifications in Mr. F. S. Slater's circular No. 79, dated the 13th of June, 1901? If so, will the Government be pleased to state the reasons for disregarding the service conditions laid down in the latter circular in giving promotion to these drawing and gymnastic masters?

(*c*) Will the Government be pleased to lay on the table copies of the two above-mentioned circulars?

(*d*) Will the Government be pleased to state the limits of pay and grade promotions that have been settled for the services of drawing and gymnastic masters, pandits and maulvis respectively?

(*e*) Is it a fact that in other provinces the drawing and the gymnastic masters have the same prospects as other teachers belonging to the same service?

(*f*) Are the Government aware—

(*i*) that the Government of Bihar and Orissa have not interfered with due promotions of the drawing and the gymnastic masters of the high schools in the manner sought to be done in Bengal;

(*ii*) that some gymnastic masters have been doing the work of drawing masters in addition to their own work, and if so, will the Government be pleased to state what are the prospects for them and

(*iii*) that some drawing masters have reached the grade of Rs. 150 and that due promotions of many have been withheld even at Rs. 50 and Rs. 60 grades?

(*g*) Is it a fact that some gymnastic teachers were shown as temporary English teachers in some high schools and so got the advantage of superseding others doing the same class of work during the last promotion due to the distribution of the Government of India grant of Rs. 9,00,000?

(*h*) Is it a fact that some of these who are shown as English teachers have again been shown as gymnastic masters after the promotion?

(*i*) Will the Government be pleased to state what special safeguards have been proposed in the way of compensation to those officers who entered Government service before and after the issue of Mr. Slater's circular and whose prospects have since been affected in the above-mentioned manner?

(*j*) Will the Government be pleased to lay on the table any circular or order revising the service conditions of educational officers outlined in Mr. Slater's circular?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) It is not clear whether the Hon'ble Member is under the impression that promotion of drawing and gymnastic masters in the subordinate educational service was withheld on the occasion of the reorganisation which was recently carried out in connection with the secondary schools improvement scheme, or whether he is alluding to the fact that, under that scheme, certain drawing and gymnastic masters who were previously included in the lower subordinate educational service or held posts outside the grades of the educational services, have been placed in the vernacular teachers' service.

If the former is the case, the Hon'ble Member is informed that the following principles were laid down in the Government of Bengal Resolution of the 30th March, 1897, constituting the subordinate educational service:

'Promotion from class to class will not be determined by seniority alone. Seniority is only one of the conditions which render an officer eligible for promotion Efficient service in the posts hitherto held, the nature of the appointments in which officers are serving and capacity to fill posts of higher responsibility are other determining factors of equal importance, which are to be considered as well as seniority.'

It was also recently laid down by this Government that they are not prepared to recognise that in making promotions, officers performing work of less responsibility should be treated equally favourably with officers whose work entails greater responsibility. Under the application of the above principles, promotion was withheld from one drawing master in a Government high school, as it was considered that the limit of his capacity had been reached and that no further promotion would be justified. Government have no information that promotion was withheld from any gymnastic master.

If the Hon'ble Member is referring to the transfer of drawing and gymnastic masters to the vernacular teachers' service, he is informed that the creation of such a service was a part of the scheme for the improvement of secondary education, which was formulated in 1908 and brought into force partially last year. Government have already expressed their intention to consider the reorganisation of those appointments in the Educational Department which are not included in the Indian educational service or the provincial educational service and to appoint a committee for the purpose. The vernacular teachers' service will come within the scope of that reference

(*b*) Yes. It is laid down that all masters belong to one common service and as such should receive gradual promotion as vacancies occur, and that drawing and gymnastic masters should receive promotion in general vacancies and not in their special lines only This principle is subject to the general principles referred to in the answer to (*a*) above.

(*c*) Copies of the circulars are laid on the table

(*d*) The Hon'ble Member is referred to the answer to (*a*) above.

(*e*) Government have no information.

(*f*) (*i*) Government are not aware of this.

(*ii*) Government are not aware of this. Any drawing master who combines with his duties as such the work of a gymnastic master can apply for additional remuneration.

(*iii*) The Hon'ble Member is referred to the answer to (*a*) above.

(*g*) and (*h*) Government have no information.

(*i*) In view of the answer to (*a*) above the question does not arise.

(*j*) No circular or order revising Mr. Slater's circular has been issued. Now that those portions of the secondary schools improvement scheme which affect Government secondary schools have been carried out, head masters of Government high schools are members of the provincial educational service, English teachers, head maulvis and head pandits and some of the drawing masters are in the subordinate educational service; other members of the Government secondary school teaching staffs and the clerks of those institutions are included in the vernacular teachers' service."

Circular referred to in the answer to question No. 55 (unstarred) by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *asked at the Council meeting on the 1st September, 1920.*

No. 3882, dated Calcutta, the 13th June, 1901.

From—J. S. SLATER, ESQ., Offg. Director of Public Instruction, Bengal,

To—The Inspector of Schools, Burdwan Division.

I have the honour to acknowledge the receipt of your office No. 1310, dated the 25th April 1901, in which it is proposed to bring the nomenclature of the teaching staff in the Birbhum Zilla School in conformity with the practice followed in the Uttarpara Government School and the Bankura Zilla School, under which the Pandits, Maulvis, Science teachers, Drawing and Gymnastic Masters are kept separate from the English teachers.

2. In reply, I have to observe that the proposal is directly opposed to the principles laid down in Sir Alfred Croft's circular No. 48, dated the 5th April 1894, and to the policy of the Department as shown in the promotions made in the Indian, Provincial and Subordinate Educational Services. Instead of, therefore, altering the nomenclature in the Birbhum Zilla School on the lines proposed, the reverse should be done.

3. Sir Alfred Croft's circular above quoted lays down that only the Pandits and Maulvis should take rank with the English teachers. It should, however, be understood that all masters belong to one common service, and as such are to receive gradual promotions as vacancies occur, and that not only the Pandits and Maulvis, but Drawing and Gymnastic Masters as well, should receive promotion in general vacancies, and not in those in their special lines.

4. I have now to request that the nomenclature of the teaching staff of all the Government schools in your Division may be revised on the lines above indicated.

Circular referred to in the answer to question No. 55 (unstarred) by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI *asked at the Council meeting on the 1st September, 1920.*

Circular No. 48, dated Calcutta, the 5th April 1894.

From—A. CROFT, ESQ., Director of Public Instruction, Bengal,

To—All Inspectors of Schools (except the Inspector of European Schools) and all Principals of Colleges.

In reference to this office circular No. 164 C., dated the 6th December 1893, I have the honour to state that from this date pandits and maulvis in Government high schools should take rank with other teachers in the establishment list of the school according to their date of appointment and pay, and that they should enjoy the same privileges of promotion as the rest of the

teachers when vacancies in the school establishment occur. As with other teachers, promotion in any particular case would be determined by their efficiency as pandits and maulvis, a knowledge of English being regarded as one of the tests of efficiency, and the absence or inferior quality of such knowledge operating to limit or retard their promotion. Promotion under these orders may be made up to a salary of Rs. 50 a month, beyond which it is open to Inspectors of Schools or Principals of Colleges to make recommendations in special cases for the promotion of a pandit or a maulvi to the subordinate graded service.

2. The establishment of a Government school should henceforward be stated in the following typical form:—

				Class.
Head Master	...	...	...	IV
2nd Master	...	...	...	VI
				Rs.
3rd Master	...	...	..	50
4th Master (Pandit)		...	...	45
5th Master	...	...	..	40
6th Master	...	...	...	35
7th Master (Maulvi)	...	...	...	35
8th Master (Pandit)	...	..	..	30

and so on.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

56.

Cost of settlement operations in Bengal

(*a*) Will the Government be pleased to lay on the table a statement showing, district by district, the amount of the actual net cost of settlement operations in Bengal during the last 20 years?

(*b*) How much of the net cost, in each district, was collected from—

(*i*) the tenants; and

(*ii*) the zamindars?

(*c*) How much was borne by the State?

(*d*) What amount, if any, in each case was credited to the Government of India as being in excess in the circumstances stated in the reply to my unstarred question No. 62 of the 4th August, 1920?

Answer by the Hon'ble Mr. McAlpin:—

"(*a*) The particulars required by the Hon'ble Member cannot be supplied in respect of all the districts where settlement operations have been completed until the accounts are finally adjusted. Full information is, however, available about Bakarganj, where alone the accounts have been so adjusted. The total net cost, including the cost of maintenance of boundary marks, amounted to Rs. 25,58,061 in that district.

(*b*) (*i*) Rs. 14,13,654 were collected from the tenants, viz., Rs. 10,75,609 from tenure-holders and Rs. 3,38,045 from raiyats; and

(*ii*) Rs. 2,10,934 from proprietors.

A further sum of Rs. 7,701, which was collected, has not been classified.

(*c*) The State share of the cost amounted to Rs. 6,37,015 and that of the local Government for areas under settlement of land revenue Rs. 2,96,046

(*d*) A sum of Rs. 7,289 was credited to the Government of India in excess."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

57.

(*a*) Is it a fact that many members of the Inspectorate and clerical establishments of the Education Department, who are members of the subordinate educational service, have received a handsome share of the new recurring grant of 9 lakhs granted by the Government of India for the improvement of the pay and prospects of secondary school teachers only?

Promotion of certain officers of vernacular teachers' service to subordinate educational service.

(*b*) If so, will the Government be pleased to state approximately how many more teachers of the secondary schools whose cases have become worse by the creation of a vernacular teacher service, could be promoted to the subordinate educational service by that portion of the grant which has been bestowed upon those inspecting and ministerial officers?

(*c*) Are the Government considering the desirability of rectifying the defects by promoting such numbers of officers of the vernacular teacher service to the subordinate educational service?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) It is a fact that a certain portion of the money sanctioned for improving the pay and prospects of secondary school teachers was spent in giving promotion to inspecting officers and clerks belonging to the subordinate educational service. The reasons for this were explained in the reply given to unstarred question No. 71 by the Hon'ble Rai Srinath Ray Bahadur at the Council meeting of 4th August, 1920

(*b*) Out of the 140 teachers appointed in the vernacular teacher service, approximately 116 could have been appointed to the subordinate educational service, if the whole of the amount had been spent exclusively on Government high schools.

(*c*) Government propose to take up the question of reorganising all the lower services, including the vernacular teacher service, and will appoint a committee shortly to advise on the subject."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

58.

(*a*) Will the Government be pleased to state why the second pandits and maulvis have not been treated as classical teachers and have been deprived of promotion to the subordinate educational service in the last improvement scheme of secondary education, while almost all the matriculate teachers have been recognised as English teachers, irrespective of the subjects they have been teaching, and have been promoted to the subordinate educational service?

Second pandits and maulvis.

(*b*) Are the Government considering the desirability of removing the discrepancy and giving all those Sanskrit or Persian knowing second pandits and maulvis privileges under the improvement scheme in question by treating them as classical teachers?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The scheme sanctioned by Government was framed to meet as far as possible not only existing conditions but also future needs and the possible field of recruitment. For the posts of English teachers a rate of pay was fixed which would attract graduates. For the posts of classical teachers the only candidates usually available are Final Madrasah and Normal Final passed men with little or no knowledge of English, and for such men an initial

pay of Rs. 50 would be considerably above the market rate. Generally speaking, therefore, only two subordinate educational service posts for classical teachers, viz., one Maulvi and one Pandit, have been created for each Government high school. These are intended for experienced and specially competent men. Second Pandits and Second Maulvis will be eligible for appointment to these posts as vacancies arise.

(*b*) Government propose to take up the question of reorganizing the services below the provincial educational service, and a committee to advise upon the subject will be appointed shortly."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

59.

Annual increment of teachers of the vernacular teacher service.

(*a*) Is it a fact that in the recent improvement scheme for secondary education in the case of teachers who have been drawing Rs. 30 or more and grouped under vernacular teacher service—

(*i*) no improvement has been made;

(*ii*) their annual increment on reaching Rs. 35 has been curtailed by Re. 1?

(*b*) Is it a fact that in the lower subordinate educational service they would have got an annual increment of Rs. 2, while in the vernacular teacher service they will get an increment of Re. 1 only?

(*c*) Are the Government considering the desirability of allowing them to draw their annual increment according to their length of service as in other services where time-scale has been recently introduced, with effect from 21st September, 1919?

Answer by the Hon'ble Mr. O'Malley:—

"The information is being collected and a reply will be furnished to the Hon'ble Member as soon as possible."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

60.

Hill allowance to teachers of the Rangamati High English School

(*a*) With reference to the answer given to unstarred question No. 60 asked at a meeting of the Council held on the 3rd July, 1919, regarding the grant of increased hill allowance to the teachers of the Rangamati High English School on account of the imposition of house-rent on them, will the Government be pleased to state whether they are now in a position to sanction the increased rate to the teachers who have been the only sufferers in this respect for the last seven years?

(*b*) If so, are the Government considering the desirability of granting the increase with effect from that date (April, 1914) on which the 20 per cent. hill allowance of the ministerial officers of Rangamati was increased on account of the imposition of house-rent on them along with the teachers in November, 1913?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) Proposals for the grant to the teachers of an increased hill allowance have been received from the Director of Public Instruction and are under the consideration of Government. The question whether an increase should be given with retrospective effect will be considered in this connection."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

61.

(*a*) Have the Government received a memorial from one Upendra Nath Roy, of Bharra, in the district of Bankipore, praying for his reappointment as sadar ghatwal of ghat Bharra in thana Gangajalghati? Memorial by one Upendra Nath Roy of Bharra

(*b*) If so, will the Government be pleased to state the circumstances of the case, and the action taken thereon?

(*c*) Will the Government be pleased to refer to paragraphs 45, 46, 47 and 48 of the memorial presented by the said Upendra Nath Roy and say whether the statements made therein are substantially correct?

(*d*) If not, in what particulars are they incorrect?

(*e*) Is it a fact that the grounds on which the present decision of Government purports to be based were within the knowledge of the authorities before the said Upendra Nath was directed to seek his remedy in the civil court in 1909?

(*f*) Are the Government aware that the said Upendra Nath has spent about Rs. 15,000 over the civil suit, relying on the direction given by the executive authorities in reply to his memorial to Sir Andrew Fraser and in the assurance that the decision of the civil court would be given effect to by the Government?

(*g*) What compensation, if any, do Government propose to give him in view of the circumstances of the case?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) Government have received the memorial referred to

(*b*) The memorial was rejected The facts of the case are set forth in full in the High Court judgment in the appellate case Hemendra Nath Roy *versus* Upendra Narayan Roy and Secretary of State for India

(*c*) and (*d*) Paragraphs 47 and 48 contain expression of opinion only. Paragraph 45 is incorrect, as the remark quoted from the District Magistrate's order of 25th October, 1915, does not refer to the incident mentioned. Paragraph 46 is correct, in that the memorialist's father and grand-uncle, who were Brahmins, were ghatwals since 1856, but it is not correct to say that the objection was first raised in the District Magistrate's order of October 1915, as the Commissioner's original decision in August, 1908, raised the point.

(*e*) In his memorial dated the 7th November, 1908 Upendra Nath Roy prayed that the Commissioner's order might be set aside on certain legal grounds. He was informed that the remedy for any grievance he might have on those grounds lay in the civil courts. He thereupon brought a suit to declare his right to be appointed ghatwal and be placed in possession of the ghatwal lands. The High Court granted a declaration that on the death of a Digwar of ghat Bharra holding office, his heir may be appointed in his place if Government approve; that Mahendra Narayan Roy held the office of Digwar at his death, and that the plaintiff is the heir of Mahendra Narayan Roy. The memorialist then applied to the District Magistrate to be appointed as ghatwal, but his application was rejected. His appeal to the Commissioner against this order was forwarded to Government for orders, and Government declined to interfere with the appointment of Hemendra Nath Roy, which had been made on good grounds in 1908.

(*f*) Beyond the statement in the memorial Government have no information on the subject.

(*g*) Government do not consider that any valid claim to compensation arises."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

62.

Protection of Bhairab-Bazar from the erosion of the Meghna.

(*a*) Are the Government aware that Bhairab-Bazar, one of the most important trade centres in Eastern Bengal, is in danger of being washed away by the action of the river Meghna?

(*b*) If so, what steps have been taken to save the place from erosion?

(*c*) In this connection are the Government considering the desirability of removing the silt near Ashuganj by dredging operations?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) Government have no information on the subject.

(*b*) It has more than once been stated in this Council that it is not the policy of Government, in the absence of exceptional circumstances, to spend public money in attempts to regulate the diluvial and alluvial action of rivers which flow through or beside private lands.

(*c*) No."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

63.

Number of lower primary, upper primary and middle English schools in Manikganj and Tangail.

(*a*) Will the Government be pleased to lay on the table a statement showing, for the last ten years, the number of lower primary, upper primary and middle English schools in the Manikganj and Tangail subdivisions?

(*b*) What has been the ratio of increase of the school going population in the above areas?

Answer by the Hon'ble Mr. O'Malley:—

"The information is being collected and a reply will be furnished to the Hon'ble Member as soon as possible."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

64.

Sanitary education of villagers.

Are the Government considering the desirability of taking steps to educate the villagers to fight malaria, cholera and small-pox through the agency of unions and sanitary inspectors?

Answer by the Hon'ble Mr. O'Malley:—

"Arrangements have been made for holding a training class for Union Secretaries in Hooghly-Chinsura and the Sanitary Commissioner will, as a temporary measure, depute one of his officers twice a week for the purpose of giving practical instruction. District Boards will be consulted on the question of similar classes being held by District Health Officers."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

65.

Sanitary survey of Manikganj.

(*a*) Are the Government considering the desirability of making a sanitary survey of the Manikganj subdivision similar to the one made in regard to the Tangail subdivision referred to in the answer given to my unstarred question No. 22 of 3rd February, 1920?

(*b*) Will the Government be pleased to lay on the table a statement showing the steps taken in the last ten years for the improvement of the sanitary condition of Mankiganj?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) In reply to his unstarred question, No. 22 asked at the meeting of the Council held on 3rd February, 1920, the Hon'ble Member was informed that Government regret that the staff at their disposal is not sufficient to enable a complete sanitary survey to be made of the Manikganj subdivision. The position remains the same.

(*b*) The Hon'ble Member is referred to the replies given to unstarred questions No. 25 asked by him at the meeting of the Council held on 4th September, 1917, and No. 31 asked by him at the meeting held on 13th March, 1918. The information in the possession of Government is not sufficient to enable them to make a statement covering the last ten years."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

66.

Will the Government be pleased to state what steps, if any, have been taken to give effect, in country areas, in the Dacca Division to the resolution passed at the last conference of representatives of the District Boards of Bengal regarding the adoption of the Panihati system of anti-malarial campaign?

Adoption of the Panihati system of anti-malarial campaign in country areas in the Dacca Division.

Answer by the Hon'ble Mr. O'Malley:—

"A circular has been issued forwarding a copy of the by-laws of the Panihati Co-operative Anti-malarial Society for the information of the district boards in the Presidency. Government have no information as to the action taken on this circular by the district boards of the Dacca Division. It has been ascertained from the Secretary of the Central Co-operative Anti-malarial Society that no applications have been received for the formation of anti-malarial co-operative societies in the division."

By the Hon'ble Mr. W. L. Travers:—

67.

(*a*) Are the Government aware that there have been cases of anthrax amongst His Majesty's subjects, and that one case at least has been proved to be due to the use of a shaving brush imported from Japan?

Prevalence of anthrax.

(*b*) Will the Government be pleased to state, what action, if any, has been taken to prevent the import of shaving brushes and such like goods, injurious to public health?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) The answer is in the affirmative.

(*b*) No such action has been taken by this Government. It is understood that the question of prohibiting the importation into India of infected shaving and tooth brushes, etc., from other countries is under the consideration of the Government of India."

By the Hon'ble Mr. Altaf Ali:—

68.

Insanitary condition of Tangail.

(*a*) Has the attention of the Government been drawn to the insanitary condition of Tangail in the district of Mymensingh?

(*b*) If so, what steps are the Government taking to save the people of this subdivision from impending disaster?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) and (*b*) The Hon'ble Member is referred to the report on the sanitary condition of the Tangail subdivision, which was laid on the library table in reply to unstarred question No. 22 asked at the meeting of 3rd February, 1920, by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri. In that report it was stated that the subdivision is insanitary and that until a well-organized sanitary service is created for the district it is not possible to cope with epidemic diseases. The Mymensingh District Board has been required to appoint a properly qualified District Health Officer, and it is for that body to take steps to appoint an adequate public health staff. Government are not aware of any impending disaster."

By the Hon'ble Mr. Altaf Ali:—

69.

Silting up of Karatoya river.

(*a*) Are the Government aware that the river Karatoya, near the town of Bogra, is silting up and is rendering the river-side dwelling houses, including the Collector's bungalow, unhealthy?

(*b*) If so, are the Government considering the desirability of dredging the river?

Answer by the Hon'ble Mr. Cowley:—

"(*a*) In an address by the members of the District Board of Bogra and the Commissioners of the Bogra Municipality, the attention of His Honour the Lieutenant-Governor of Eastern Bengal and Assam was drawn in the year 1908 to the deplorable condition of the Karatoya river. It would appear that the Karatoya river changed its course, breaking into the Bengali river through the Katakali *khal*, in the year 1820. In 1860 it appears that a sum of Rs. 75,000 was spent in attempting to induce the river to return to its old channel, but the attempt was a failure. The proposal to induce the river to return to its old course has since 1860 been several times revived, but hitherto no scheme which offers any prospects of success within a reasonable expenditure has been evolved.

(*b*) Government are not considering the desirability of dredging the river, and before undertaking a work of this nature the whole question would require to be examined on comprehensive lines."

By the Hon'ble Mr. Altaf Ali:—

70.

Motor car drivers' grievance.

(*a*) Are the Government aware that there is considerable dissatisfaction among the motor car drivers in Calcutta owing to the Public Vehicle Department of the Calcutta Police insisting on medical examination before renewing the licenses of all drivers?

(*b*) If so, are the Government considering the desirability of relaxing these new rules to remove the hardships caused?

Answer by the Hon'ble Mr. Stephenson:—

"(*a*) and (*b*) In consequence of the increase in the number of accidents caused by motor cars in Calcutta, the rules, under which control is exercised over the drivers of motor cars, have been made more stringent in various ways. In order to protect the public from accidents caused by physical disabilities of licensed professional drivers, a rule has been brought into force prescribing that all applicants for such licenses shall undergo a medical examination, as is the practice in London. This rule naturally has not commended itself to professional drivers, but Government consider that it is necessary in the interests of the safety of the public."

By the Hon'ble Mr. Altaf Ali:—

71.

Will the Government be pleased to state what progress, if any, has been made in the proposed construction of a direct railway line between Bogra and Sirajganj?

Railway line between Bogra and Sirajganj.

Answer by the Hon'ble Mr. Cowley:—

"Government have no information except that in 1915 sanction was given by the Government of India, Railway Board, to a detailed survey being undertaken by the Eastern Bengal Railway."

By the Hon'ble Khan Sahib Aman Ali:—

72.

Will the Government be pleased to state—

(*a*) the number of grades in the lower subordinate educational service

(*b*) the pay attached to each grade, and

(*c*) the number of years a clerk has ordinarily to wait for promotion to the next higher grade?

Grades, pay, etc., of lower subordinate educational service.

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Five.

(*b*) Class I, Rs. 35—2—45
Class II, Rs. 30—1—35
Class III, Rs. 25—1—30.
Class IV, Rs. 20—1—25.
Class V, Rs. 15—1—20

(*c*) About 11 years."

By the Hon'ble Khan Sahib Aman Ali:—

73.

Will the Government be pleased to state the number of ministerial officers in the lower subordinate educational service and outside the graded service, grade by grade?

Ministerial officers in lower subordinate educational service, etc.

Answer by the Hon'ble Mr. O'Malley:—

"Two statements are laid on the table."

Statement referred to in the answer to question No. 73 (unstarred) by the Hon'ble Khan Sahib Aman Ali, *asked at the Council Meeting on the 1st September, 1920, showing the number of ministerial officers outside the graded service.*

	Number.
Rs 150 10 250	1
Rs 80 7 150	1
Rs 80 4 120	1
Rs 75 3 100	1
Rs 50 5 100	1
Rs 50 3 100	4
Rs 60 3 100	1
Rs 60 4 80	2
Rs. 45 3 60	1
Rs 50	16
Rs 40 2 50	1
Rs 40 1 50	1
Rs 35 1½ 50	1
Rs 30 1 50	1
Rs 45	2
Rs 35 2 45	1
Rs 40	3
Rs 30 2 40	1
Rs 30 1 35	1
Rs 25 1 35	1
Rs 30	12
Rs 25 1 30	9
Rs 25	16
Rs 20 1 25	4
Rs 20	3
Rs 15 1 20	2
Clerical Service.	
Rs 30 1 50	40
Total	131

Statement referred to in the answer to question No. 73 (unstarred) by the Hon'ble Khan Sahib Aman Ali, *asked at the Council Meeting on the 1st September, 1920, showing the number of ministerial officers in the Lower Subordinate Educational Service, grade by grade.*

Class	Number.
I	6
II	16
III	25
IV	62
V	33
Total	142

By the Hon'ble Khan Sahib Aman Ali:—

74.

Will the Government be pleased to state—

(a) why the clerks of the Education Department were not given the benefit of the recommendation of the Ministerial Officers Salary Commission;

Status, minimum pay, etc., of clerks of the Education Department.

(b) the approximate cost that will be necessary to place these clerks on the same footing with the clerks of the other departments who have been benefited by the recommendations of the Ministerial Officers Salary Commission;

(c) why no scheme has been drawn up or sanctioned for the betterment of the status of these clerks.

(d) whether there is any objection to raise the minimum pay of these clerks to Rs 50.

(e) (i) whether in the scheme for secondary education, the officers (*i.e.*, members of the lower subordinate educational service as well as these clerks) connected with the high and middle schools have all been promoted, mostly to class VIII of the subordinate educational service.

(ii) if so, what action, if any, has been taken to redress the grievances of those clerks in the lower subordinate educational service who have thus been superseded, and

(f) why the cadre of these clerks was not separately graded before effect was given to the secondary education scheme?

Answer by the Hon'ble Mr. O'Malley:—

"The information is being collected and a reply will be furnished to the Hon'ble Member as soon as possible."

By the Hon'ble Khan Sahib Aman Ali:—

75.

Will the Government be pleased to state—

Number of clerks in the offices of Inspectors of Schools and Deputy Inspectors of Schools.

(a) the number of clerks in the offices of the Inspectors of Schools and the Deputy Inspectors of Schools drawing Rs. 15 to Rs. 30 a month, grade by grade, separately, and

(b) what immediate relief, if any, are the Government giving to these officers?

Answer by the Hon'ble Mr. O'Malley:—

"(*a*) Two statements are laid on the table.

(*b*) Government are considering the grant of an *ad interim* allowance to these officers at the rate of 30 per cent of their salaries, including personal allowance."

Statement referred to in the answer to question No. 75 (unstarred) by the Hon'ble KHAN SAHIB AMAN ALI, *asked at the meeting on the 1st September, 1920, showing the number of clerks drawing Rs. 15—30 a month in the offices of Inspectors of Schools, including Assistant and Additional Inspectors of Schools.*

Lower Subordinate Educational Service—

Class II	1
Class III	8
Class IV	13

Outside the graded service—

Rs. 30	6
Rs. 25	4
Rs. 20—1—25	1
Rs. 15—1—20	2

Statement referred to in the answer to question No. 75 (unstarred) by the Hon'ble KHAN SAHIB AMAN ALI, *asked at the meeting on the 1st September, 1920, showing the number of clerks drawing Rs. 15—30 a month in the offices of the Deputy and Additional Deputy Inspectors of Schools.*

Lower Subordinate Educational Service—

Class III	5
Class IV	39
Class V	27

Outside the graded service—

Rs. 25	1
Rs. 20—1—25	3
Rs. 20	1

LIST OF BUSINESS—ITEM No. 3

THE BENGAL AGRICULTURAL AND SANITARY IMPROVEMENT BILL, 1920.

The Hon'ble Sir Charles Stevenson-Moore moved that the Report of the Select Committee on the Bengal Agricultural and Sanitary Improvement Bill, 1920, be taken into consideration.

The motion was put and agreed to

LIST OF BUSINESS—ITEM No. 4.

The Hon'ble Sir Charles Stevenson-Moore moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to

The President said:—

"The first amendment standing on the paper on this Bill refers to clause 2. The Hon'ble member in whose name it stands makes it consequential upon amendments Nos. 7 and 17. These three amendments really hang together. The hon'ble member's first amendment would be his substantive amendment and in moving it he will be entitled to refer to the two subsequent amendments so that he can make clear to the Council the whole of his arguments. But he must move the amendment on clause 2 now, because he cannot return to the clause after it has been disposed of."

AMENDMENTS Nos. 1, 7 and 17 (APPENDIX A TO THE LIST OF BUSINESS.)

The Hon'ble Kumar Shib Shekhareswar Ray moved that before clause 2 (2) the following be inserted, namely:—

"(*ia*) 'annual value of the land' means the total rent which is payable, or if no rent is actually payable, would on a reasonable assessment, be payable during the year by any person in the actual use and possession of the land."

He said—

"My Lord, this amendment is consequential on the acceptance of my amendments Nos. 7 and 17. In those two amendments I have referred to the annual value of land, and it is therefore necessary that the definition should be given in this clause of the annual value of land. I have taken this definition from the Cess Act, and I hope if these amendments are carried, this definition will be accepted."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I regret to say that I cannot accept this amendment on behalf of Government. There is no objection to it as a definition since it is taken from the Cess Act, but unless the principle amendment No. 7 which I shall oppose very strongly is accepted, this amendment would have no *raison d'être*. I must therefore oppose it. I do not know whether it would be in order for me now to give the reasons why it would be impossible for Government to accept the main amendment No. 7."

The President said:—

"Oh yes. On that point I thought I made it quite clear that the three amendments really hang together, and it is therefore in order for the Hon'ble Member on behalf of Government to explain why he cannot accept the main part of the amendments which I understand is numbered 7 on the agenda

paper, and the hon'ble members of this Council in deciding whether they should vote for or against this amendment must bear in mind the main amendment No. 7."

The Hon'ble Kumar Shib Shekhareswar Ray said:—

"May I speak on my amendments Nos. 7 and 17 now?

The President said:—

"Yes. I told the Hon'ble Member that he could do so."

The Hon'ble Kumar Shib Shekhareswar Ray said:—

"My Lord, my amendment No. 7 proposes to insert a clause 10A which should run thus:—

'No scheme under this Act shall be undertaken if the amount of the estimated cost to be contributed by the landlords and the tenants collectively of the local area exceeds the annual value of the land included within such area.'

My Lord, this is an important amendment. It is absolutely necessary to protect the owner and occupier of lands from being compelled to pay, for an improvement, an amount out of all proportions to the value of the land. Let me make my point clear by an illustration. Suppose there is an insanitary tank on my land. Now some of my neighbours under the provisions of the contemplated measure move the Collector to re-excavate the tank. The cost of re-excavation would be, in most cases, quite exorbitant. The Collector might charge the whole of it from me on the ground that I would get a nice tank on my land. My Lord, this would be a work of sanitary improvement no doubt, but it would ruin me at the same time. All this would be possible under this Act. Of course it can be said that the Collector would not be so unreasonable as to ruin me for the sake of my neighbours. But my point is why should I give such a wide power to the Collector. My humble submission is that put a limit to the extent to which I might be charged even against my will. I would not have the least objection to the re-excavation of the tank on my land if my neighbours would come forward with a part of the cost or if the Government bears a part and I be charged with a reasonable share of the same. If I object then put the machinery of the law into action against me and you would be justified to do so. Let me emphasise my point again. As an owner or occupier of the land let me know definitely the limit to which I would be compelled to contribute. I would not permit it to be left to the discretion of the Collector. It must be borne in mind that any provision in the law for levying an involuntary contribution is an encroachment on the people's right. It is justifiable only when the Legislature, considering the exigencies of the situation, makes clear and definite provisions regarding the tax to be imposed. But here we find no definite provisions in the law. Here the authorities have been vested with an unlimited discretion.

My Lord, we cannot possibly leave this indefinite power in the hands of our executive officers regarding such an important matter as taxation. The existing law which this is going to replace has a statutory limit in this matter. Section 12 of the Bengal Sanitary Drainage Act lays down that the expenses are to be realized in 30 equal annual instalments, and no instalment is to exceed half an anna in the rupee of the annual value of the land or, in other words, even after 30 years an owner or occupier of the land would not be required to pay an amount equivalent to the annual value of the land. Any scheme which did not comply with these provisions would be rejected under the existing law. My Lord, I have been told that under the existing law even this charge is thought to be exorbitant by the people. In agricultural schemes again under the existing law all contributions are voluntary. In these circumstances, I beg to submit that we should have a statutory provision in the law fixing a maximum beyond which an involuntary contribution should not be allowed to

be levied. A scheme which necessitates a compulsory contribution beyond a definite limit must be thrown out. This is what my amendment aims at. The maximum amount of such a taxation, in my opinion, should not exceed the annual value of the land affected by the scheme. Further, under the existing law a man was allowed 30 years to pay off the levy, but the present law has no such statutory provision. We might be asked to pay off the demand within a year. It is therefore absolutely necessary that this demand should be such as could be easily met by the people. This is all I have got to say on my amendment No 7. I think I may also speak now about amendment No. 17. This amendment seeks to add a proviso to clause 22 which should run thus: 'Provided that in recovering costs from the landlords and the tenants, the amount recoverable in any one year shall not exceed a quarter of the annual value of the land held by them within the local area.'

My Lord, under the existing Act which this is going to replace we have been allowed 30 years to pay off the cost by equal annual instalments, but this Bill again leaves everything to the discretion of the executive officers. From my experience of the realisation of the settlement costs under the Bengal Tenancy Act where too the matter is left to the discretion of the executive, I make bold to say that this discretion is nothing but the whim of the particular officer in charge of the recovery proceedings. I know of recent cases where immediately after a devastating flood the people were compelled to pay off their dues. We remonstrated, we appealed to the Government for time, but it was all in vain. A memorial was submitted to the Government signed by the leading men of the locality including Rajas, Maharajas and Council Members, but they were not granted even a hearing and the recovery went on as merrily as ever. This incident happened in Rajshahi in the year 1918 immediately after the flood. With such experience of official discretion I would be failing in my duty as a representative of the landed interests to give to the executive further discretionary powers in like matters. I therefore propose that not more than a quarter of the annual value of the land shall be recoverable in any one single year. To be candid, even this limit I consider to be very high and if this amendment is accepted I would expect the officials to be more considerate in fixing the instalments.

My Lord, these are the main amendments, and if these two amendments are accepted, then it would be necessary to accept my amendment No. 1 as it defines the annual value of the land referred to in my main amendments. As I have said before I have taken this definition from the Cess Act leaving out only the unnecessary portions. My Lord, if this definition has been of use in the Cess Act, I think it would be quite possible to accept this definition of the annual value of the land with reference to the contemplated measure now before the Council. I therefore formally move my amendment No. 1. I may say here, my Lord, that if the amendment is unacceptable on a technical or legal ground, I am prepared to accept any modification of it that may be suggested. My Lord, I am not a lawyer and I would not like my amendment to be thrown out simply on a technical ground."

The Hon'ble Mr. K. Ahmed said:

"My Lord, I beg to oppose the amendment moved by the Hon'ble Kumar. His point is that the tenants of Bengal should contribute some portion of the cost towards the expenses of sanitation. It is not perhaps out of place for me to mention here that as a representative of the Rajshahi Muhammadans, the majority of whom are agriculturists, that my hon'ble friend will see from the annual report of the Revenue Department that in the land revenue which was estimated, there had been an increase in the collections and the payment that had been made out of the collections by the zamindars of Bengal was about 3 crores of rupees, and their gross income was about 13 crores. If therefore the net annual income of 10 crores accrues every year to the landlords of Bengal, they have, if I may be allowed to say, not realised their position from the year 1793, that is the date of the permanent settlement."

Kumar S. S. Ray; The President; Mr. K. Ahmed; Sir Charles Stevenson-Moore.

The Hon'ble Kumar Shib Shekhareswar Ray said:—

"My Lord, I rise to a point of order. I do not think the Hon'ble Member's arguments bear on the question before the House."

The President said:—

"As far as I followed the Hon'ble Member's argument, I think he is in order; but I have not quite followed his last argument."

The Hon'ble Mr. K. Ahmed said:—

"My Lord, I am sorry I have incurred the displeasure of my hon'ble friend the Kumar, but as a matter of fact, in supporting what the Hon'ble Sir Charles Stevenson-Moore has said, and in opposing my hon'ble friend the Kumar, I think I was not out of order, and that is the reason why I was mentioning that. Of course, his amendment, as worded, relates only to a portion of the share of the tenant's contribution towards the cost; but I was explaining the whole subject, viz., the position of the landlords of Bengal in comparison to that of the tenants, who are asked by the landlords (as is done in the amendment) that they should pay a certain share. It appears, however, that the proprietors of the soil, the landlords, should have contributed the whole cost if they kept a filthy tank, by virtue of their proprietary rights and that they were responsible to remove that filth. On this principle, my Lord, I have the greatest pleasure in supporting the Bill and at the same time in opposing the amendment of the Hon'ble Kumar."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, in reply to the main amendment No. 7, I should like to say that Government are very strongly opposed to this amendment, and I think it will require very few words from me to convince the Council that it is absolutely inadmissible. The Hon'ble Kumar wishes us to lay down by law that no scheme whatever shall be undertaken if the contribution of the landed interests towards it exceeds the annual value of the land benefited. The proposal is, as I shall show, quite illogical and unreasonable. If we consider agricultural schemes, we shall find that this Bill is designed to benefit two classes of land, firstly, high and dry land which is unproductive through lack of irrigation and, secondly, water logged land which is unproductive through lack of drainage; these lands being unproductive and for the most part uncultivated pay little or no rent. The object of this Bill is to provide means of artificial irrigation on the one hand and drainage on the other, and so convert the land, which is now unproductive and pays little or no rent, into land which will yield a full and regular harvest and will be assessable to the full rate of rent. Thus, the initial value of the land is no measure of its potential value when the improvements have been carried out, nor does it afford any indication whether the incidence of the cost of the scheme will be heavy or light on the land that will be benefited. Thus, the Hon'ble Kumar's amendment will debar us from affording facilities which this Bill provides for the very lands which it is mainly designed to benefit; for it cannot be expected that the Government will contribute the main portion of the cost of a scheme in which the public have no interest and from which the landlords and tenants themselves will derive very handsome profits. The same argument applies to sanitary schemes, for it is well known to anyone acquainted with rural life in Bengal that in places where the sanitary conditions are bad there also the soil is unfertile and unproductive, the cause in both cases being the same, namely, obstructed drainage. Furthermore, the acceptance of this amendment would, in fact, preclude us from taking up large schemes, such as the Magrahat and Rajapur drainage schemes, for the average incidence of cost of these schemes works out to about Rs. 10 per acre, and in some cases even more. Now that incidence must be in excess of the initial value of the land, but it probably will not be in excess of it when the

lands have been benefited and the improvements carried out. Consequently this amendment would prevent us from carrying out both large and small schemes; and it must also be borne in mind that the prohibitive effect of this restriction would increase in direct ratio with the necessity for the improvement. In other words, the more pressing the need for the improvement, the more serious the obstacles which this restriction would present to its being carried out. In fact, the amendment, if accepted, would knock the entire bottom out of the Bill; and Government would have to reconsider their position and decide whether in the circumstances it is worth while to go on with the Bill which has been so emasculated as to be rendered useless.

The Hon'ble Kumar has referred to the Bengal Sanitary Drainage Act, and to the principles therein laid down. The basis of the contribution under the Bengal Sanitary Drainage Act is the road-cess. Now, the road-cess bears a fixed ratio to the rent and it is one anna to a rupee of rent, so the objections which I have raised to this amendment on the ground of its being illogical and unreasonable, must apply equally to the procedure which is prescribed by the Bengal Sanitary Drainage Act; and in fact, it was in order to provide a better and more equitable procedure that this Act was introduced. Surely, the Hon'ble Member would not wish us to perpetuate what, after all, is an absurd anomaly in the Bengal Sanitary Drainage Act.

As regards his criticisms about the action of local officers, the Council will, I think, hold that the Collectors will exercise their duties with ordinary discretion, and, in any case, the Council is aware that in all these matters an appeal lies to the Commissioner—a point to which the Hon'ble Kumar made no reference.

I cannot think that the Hon'ble Kumar brought forward this amendment with the deliberate intention of attempting to wreck the Bill, a Bill which is designed for a beneficient purpose, and calculated to confer inestimable benefits not only on landlords and tenants but on the community at large. I therefore hope that the Hon'ble Kumar will see fit, now that I have explained what the effect of this amendment would be, to withdraw it.

I need not labour my reply to amendment No. 17. The position is exactly the same. As I have already explained, the existing value of unproductive land is no measure of its potential value after it has been benefited and rendered fully productive; and consequently no measure of the amount which can equitably be recovered from individual landlords and tenants. Therefore, there is no justification for introducing a proviso that in recovering costs from the landlords and tenants, the amount recoverable shall not exceed a quarter of the annual value of the land. I do not think that this restriction could be justified either logically or equitably. Finally, with regard to the Hon'ble Member's amendment No. 1. As I have said the amendment as a definition is unobjectionable, but the objection of the Government is directed against the main amendment, and if that is rejected, this definition becomes superfluous."

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, when I read this amendment, I decided to wait and hear the Government view of the matter. I quite agree with the Hon'ble Member in Charge of the Bill that we must not do anything to render this very beneficial Bill a dead letter. It may be that if we accept the Hon'ble Member's amendment as it stands a plot of land, which at the present moment yields nothing, by improvement might yield a bumper crop, and thereby benefit both the landlords and tenants; while if it were not improved, it would remain in its old condition for a long time to come. Therefore, in the particular form in which the amendment has been worded, is perhaps unfortunate, but there is another aspect of the question which I would ask the Hon'ble Member in Charge of the Bill to consider. Improvements must carry popular opinion with them. Tenants and landlords and the local

bodies concerned must readily agree to the improvement. Now, if there be no limit, it may happen that an enthusiastic officer or local authority may perhaps launch into a scheme which would be too expensive, and they may attempt to improve things out of existence. My Lord, I know something of the Magrahat Drainage scheme; about the beneficial character of that scheme there cannot be two opinions; but I have come across instances where in tracts lying within that scheme, the amount which was proposed to be levied was something like 17 times the improved value of the land, whereas in other places the demand has been nominal. Now, instead of accepting this amendment, as it stands, I would ask the Government to give us an assurance that there would be a reasonable limit, say 4 or 5 times the improved annual value. We do not ordinarly like that we should give a blank cheque to either the executive authority or the local authority, and what I am pleading for is a compromise between the idea of the Hon'ble Mover and the draft as it stands. Such a compromise is not only feasible but possible, and if such a compromise were made, I have no doubt that the very beneficient measure which we have before us will be welcomed by the people, and that the people will not shrink from applying for the application of this Act when passed into law.

I desire to say one word with regard to the criticisms of the Hon'ble Mr. K. Ahmed. I suppose the Hon'ble Member came to the Council with the determined view that he must prove himself to be a friend of the tenants, for getting that in this particular amendment which the Hon'ble Kumar has moved, it is stated that no scheme under this Act shall be undertaken if the amount of the estimated cost to be contributed by the landlords and tenants collectively, of the local area, exceeds the annual value of the land included within such area; so that this amendment, although it may have been moved by a representative of the landlords, is as much for the benefit of the tenants as for the benefit of the landlords. If those who want to protect the tenants either in this Council or outside it would just consider that in the majority of instances the interests of the tenants and landlords are identical, they would not rush in places where others fear to tread.

I do not think that it is necessary to take his objections seriously, the more so as I could hardly follow what he said. I hope and trust, however, that a compromise on the lines I have suggested will be acceptable to the Government.

But amendment No. 17, I venture to think, stands on a different footing It may be necessary to recover a large sum of money; but the larger the sum the more desirable it is that it should be spread over a number of years. No doubt, if the total recovery is spread over a number of years, some interest must be charged, and instalments should be on that basis. We are quite familiar with the system in vogue in Calcutta where the Calcutta Improvement Trust recovers its instalments in a similar way, so that by accepting amendment No. 17, I do not see how the beneficial effect of this amendment will be rendered nugatory, because all that the amendment says is—

'Provided that in recovering costs from the landlords and the tenants, the amount recoverable in any one year shall not exceed a quarter of the annual value of the land held by them within the local area.'

So long as the total cost is realised, the fact that it is realised by instalments with reasonable interest will not militate against the success of the scheme. I must confess that I do not much like the wording of the amendment, viz., in any one year shall not exceed a quarter of the value of the land; there my friend the Kumar is really proceeding on amendment No. 7, and what I would suggest for the acceptance of the Government is that, instead of the words 'a quarter of the annual value of the land,' the words 'a certain percentage' be substituted; but what that percentage will be,

I would leave it to the Hon'ble Member in Charge to decide and to set out in the rules."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said:—

"My Lord, I beg to offer a few suggestions on the amendment proposed by the Hon'ble Kumar. This is a very important amendment. If we consider that the object of the Bill is to make improvements in the mofussil regarding sanitary and agricultural conditions, and if we consider that if the Government are not in a position to supply the funds, the natural conclusion is that the money is to be recovered from other sources But what are the other sources? Are they the landlords and the tenants collectively? There was much discussion in the Select Committee and we came to the conclusion that the contribution should be made by the landlords and tenants collectively. The Hon'ble Kumar considers that it will be a hardship upon them. From our experience in this matter, I think that there can be no doubt that the zamindars have been giving large sums as contributions I may inform Your Excellency that when the Drainage Act was passed, it caused a great deal of hardship and difficulty to the zamindars In this connection, I am referring to a drainage scheme in the Howrah district and many zamindars were put to great inconvenience, and even now, they have not been able to pay up the amount in the last 15 or 20 years. The Drainage Act had a safety valve, that is, under section 42 of that Act the money was recovered from the landlords and their tenants in certain proportions; when the Bengal Sanitary Drainage Act was passed, there was a certain proportion fixed for the recovery of the amount between landlords and tenants Here, we find that joint contribution is to be made by the landlords and tenants Whatever it may be, if the Collector is given unlimited discretion in the matter, the landlords and tenants are very much afraid that they will be put to a good deal of hardship and inconvenience Supposing a tank is to be excavated and improvements made; the annual value of the land is Rs 2 or Rs 3, and the expenditure to be incurred for the tank will be Rs 1,000 or Rs 2,000 If the Collector thinks that this improvement must be made, and at the same time asks the zamindars and tenants to contribute a large sum of money, the question becomes one of extreme difficulty. Therefore, if this large sum be not paid by the zamindars and tenants, then the work of improvement will not be taken up. So we are stranded in difficulty in discussing this very difficult question. On the one hand, we do not like unlimited power to be given to the Collector; on the other hand, there is a strong and anxious desire on the part of the people of this province that improvements should be carried out under the supervision of Government. Therefore, I think that if we accept the definition of the words 'annual value of the land' as suggested by the Hon'ble Kumar, these improvements might be carried out. The definition of 'annual value' in the Cess Act cannot be a factor in determining the improvement in agricultural and sanitary work Neither can the definition given in the Tenancy Act for the purpose of realisation of rent be a criterion to judge as to the applicability of the present Act. Therefore, my Lord, the subject-matter of the amendment requires the careful consideration of the members of the Council. I find that the Hon'ble Mr P C Mitter is not in a position to lay down clearly to the Council as to what should be the percentage, or what should be the number of times in assessing the value The whole question, therefore, hinges upon the unlimited discretion of the Collector. If the suggestion of the Hon'ble Mr. Mitter is to be accepted, there are other facts which are to be brought to the notice of the Council—facts showing the valuation of the desired improvement, and the number of times should be taken into account.

My Lord, I beg to offer these suggstions for the consideration of the Council before arriving at any decision. If this matter had been brought

before the Select Committee, there could have been a discussion then and there, but we had not the advantage of discussing this matter there.

I do not like to waste the time of the Council. But I would say this that it would be an extremely difficult situation if we are to depend only upon the judgment of the Collector. It would be a position of great difficulty for us—the same difficulty to which we were put when the Drainage Act and the Sanitary Acts were put into operation."

The Hon'ble Rai Debender Chunder Ghose Bahadur said:—

"My Lord, I feel some difficulty about the amendment proposed by the Hon'ble Kumar. I will say at once that I cannot support amendment No. 7, specially after his unhappy illustration of an insanitary tank which breeds nothing but malaria. If he had not put forward that illustration probably I might have supported the amendment. There might be cases where it is necessary that an owner should be compelled to improve his dangerous property. As regards his amendment No. 17, I should like to say that I have every sympathy and support for his suggestion that the owner or the body of owners should be compelled to pay the cost of the improvement by instalments, but the words of the amendment are such that they would not fit in with the logic of facts. If we take that the expression 'annual value' is well understood and that it ordinarily means the income of the property, then there might be a property which has a potential value and is capable of yielding much profit if some care is taken of it. Unless 'annual value' means the value of the income after the property has been improved—which it is very difficult to ascertain—it is impossible to support the amendment as worded by the Hon'ble Kumar. If he would change his words and say 'shall not exceed a quarter of the total amount to be contributed,' that is, one-fourth of the total cost, it would be much more intelligible and would have my support and sympathy. But as it is, it is difficult to support my hon'ble friend."

The Hon'ble Rai Radha Charan Pal Bahadur said:—

"My Lord, I have got only one word to say and that is this As regards the payment by instalments, I think it should be granted, although unfortunately the words 'annual value' occur in the amendment. I desire to say this because it will be seen that under clause 2 the interest on any amount contributed by Government is excluded in the case of improvement schemes. Therefore if the cost is recovered by instalments there would be no difficulty. I think a rule framed or an order passed under clause 36 would meet the exigencies of the case. As regards amendment No. 7, what I suggest and what I believe the Hon'ble Mr. Mitter suggested is this: here in Calcutta we follow the improved value, and I think that improved value should be suggested for annual value in the amendment. I agree that when the property is improved the cost should be on the improved property, and that is quite reasonable. These are the observations which I have to make, and although we all agree to the spirit of the amendment that has been moved by the Hon'ble Kumar, we are rather hampered in supporting it on account of the wording."

The Hon'ble Kumar Shib Shekhareswar Ray said:—

"My Lord, I find there is a good deal of sympathy with the principles underlying my amendments, that is the discretion which is proposed to be placed in the hands of the Collector should be eliminated and also that there should be some provision for instalments in the case of recovery of costs. But I find also that if I press my amendments, I have not much chance of success. However, I appeal to the Hon'ble Member in Charge to come to my help and give us some assurance that the Government accept the principles underlying my amendments. If he is favourably disposed, he may help us by the rules under this Act, and I am sure that any assurance which he gives will be of much value."

Sir Charles Stevenson-Moore; Kumar S. S. Ray; Babu K. M. Chaudhuri; Babu S. C. Chakrabartty.

The Hon'ble Sir Charles Stevenson-Moore said:—

"We naturally desire to carry the whole Council with us in dealing with a Bill of this nature. I think I can give the Hon'ble Member an assurance that we will include some provisions in the rules which will have the effect of imposing limits on the incidence of cost and on the incidence of the instalments payable, but on what basis these limits can be worked out I am not prepared to say off-hand, though I do not apprehend serious practical difficulty in finding an equitable basis. That I think would meet the point raised by the Hon'ble Mr. P. C Mitter and the other Hon'ble Members who have spoken."

The Hon'ble Kumar Shib Shekhareswar Ray said:—

"My Lord, in that case I beg to withdraw the three amendments."

The motions were then, by leave of the President, withdrawn.

AMENDMENT No. 2.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that after sub-clause (2) of clause 2, the following be added, namely:

"(2a) 'Commissioner' means Commissioner of Revenue to whom the Collector, as defined in sub-clause (2) (a), is subordinate"

He said:—

"My Lord, in this amendment I propose that the word 'Commissioner' means the Commissioner of Revenue to whom the Collector as defined in this Act is subordinate It is better to definitely state by definition which Commissioner is meant. This is, of course, a simple matter"

The Hon'ble Sir Charles Stevenson-Moore said

"My Lord, this is quite unnecessary The word 'Commissioner' is already defined in section 3 (10) of the General Clauses Act, 1899, and I therefore oppose this amendment"

The Hon'ble Babu Kishori Mohan Chaudhuri said:

"In that case I had better withdraw the amendment"

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 3.

The Hon'ble Babu Sarat Chandra Chakrabartty moved that for the words "the prescribed amount" in line 2 of sub clause (8) (i) of clause 2, the words "rupees ten thousand" be substituted.

He said—

"My Lord, after reading the report of the Select Committee I don't think it would do any good in urging this amendment. So I beg leave to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 3A.

The Hon'ble Sir Charles Stevenson-Moore moved that after the words "more than one" in line 1 of sub-clause 8 (ii) of clause 2, the word "independent" be inserted.

He said—

"My Lord, the object of moving for the insertion of the word 'independent' in this clause is to make it clear that a scheme inaugurated by a subordinate local authority such as a Union Board should not be regarded as a major scheme on the ground that more than one local authority is interested merely because a Union Board is subordinate in some respects to a District Board. Such an interpretation would necessitate the treatment of all schemes inaugurated by Union Boards as major schemes. This, in the opinion of Government, would be quite unnecessary; consequently the amendment is proposed with the object of precluding any such interpretation being applied to this sub-clause."

The motion was put and agreed to.

AMENDMENT No. 4.

The Hon'ble Sir Charles Stevenson-Moore moved that for the words "no reference to any local authority shall be necessary" in lines 4 and 5 of the proviso to clause 3, the words "reference to any local authority shall not be necessary" be substituted.

He said:—

"My Lord, this is merely a small amendment in drafting. It simply involves transferring the negative to a more appropriate position in the sentence."

The motion was put and agreed to.

AMENDMENT No. 5.

The Hon'ble Babu Sarat Chandra Chakrabartty moved that after the word "may" in line 1 of clause 8, the words "after considering the objections, if any" be inserted.

He said—

"My Lord, after giving notice of this amendment I see that the Select Committee have redrafted the clause and the object of my amendment has been met by it. So I beg leave to withdraw the amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 6.

The Hon'ble Kumar Shib Shekhareswar Ray moved that for the words "under sub-section (*1*)" in lines 2 and 3 of sub-clause (*2*) of clause 10, the words "under sub-section (*1*) or (*1a*)" be substituted.

He said—

"My Lord, I move this amendment with a view to obtaining a similarity of provisions regarding appeals in respect of both major and minor schemes and I hope it will be accepted."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I am prepared to accept this amendment on behalf of Government. Such an appeal is allowed in the case of clause 8. Although the question of financing and distribution is largely one of arrangement, there is no serious objection to allowing an appeal in respect of it."

The motion was put and agreed to.

AMENDMENT No. 8.

The Hon'ble Sir Charles Stevenson-Moore moved that sub-clause (*2*) of clause 14 be omitted.

He said—

"My Lord, I shall subsequently propose that this sub-clause be inserted as clause 14A in an amended form. The sub-clause is not correctly worded. The Collector cannot acquire land; only the Local Government can do so under section 6 (*3*) of the Land Acquisition Act. It is thus necessary to amend the sub-clause and advantage has been taken of this to remove it from clause 14 to which it hardly appertains and to give it a clause to itself."

The motion was put and agreed to.

AMENDMENT No. 9.

The Hon'ble Sir Charles Stevenson-Moore moved that after clause 14 the following be added, namely:—

"14 A. The Local Government may, at the request of the Collector, acquire, under the provisions of the Land Acquisition Act, 1894, any land required for the purposes of this Act.

'Land' in this section has the same meaning as in clause (*a*) of section 3 of the Land Acquisition Act, 1894."

The motion was put and carried.

AMENDMENT No. 10.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that sub-clause (*1*) of clause 15 be omitted.

He said:—

"My Lord, in this amendment I propose that sub-clause (*1*) of clause 15 be omitted. My reasons are that if an applicant be required to deposit or to give security for the cost of the work or any portion of it, it will have a deterrent effect. So I think the matter may be considered and enquired into. If it is thought that the work is really beneficial or should be undertaken, it can be done: and further, if the applicant is anxious he may be given an option of advancing the money. But to make it compulsory or to ask him to deposit the estimated amount or a portion of it seems to me unnecessary. I think the matter may be considered independent of any obligation on the part of the applicant. In that view I propose that the clause be omitted."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I must oppose this amendment on behalf of Government. It is obvious that Government must have power to require an applicant to pay the costs of the work or such portion thereof as may be payable by him, or at least to give security for it. If the scheme does not go through, there will be no recovery of cost and Government must be placed in a position to recover, if thought fit, preliminary expenses from the applicant. Further, this provision has the incidental advantage that it will discourage irresponsible persons from filing ill-considered applications."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, I am not convinced that it is necessary to provide for discouraging any irresponsible person or persons from filing ill-considered applications. I don't think there is any special necessity for it. As I have

already submitted, it will only have a deterrent effect, and I leave the matter for the consideration of the Council whether it should be accepted."

The motion was then put and lost.

AMENDMENT No. 11.

The Hon'ble Sir Charles Stevenson-Moore moved that for sub-clause (*1*) (*ii*) of clause 18, the following be substituted, namely:—

"(*ii*) distribute the said cost between—

(*a*) the applicant;

(*b*) the Local Government;

(*c*) the local authorities concerned; and

(*d*) the landlords and tenants collectively of the local area,

in the manner determined under section 8 or 10, and"

He said:—

"My Lord, it has been brought to the notice of Government that the wording of clause 18 (1) (*ii*) is defective, inasmuch as it seems to give the Collector the right to determine a distribution which has already been proposed by the Committee under clause 10 (*a*) and accepted by the Local Government under clause 13. Such was, of course, not the intention. The intention of the Select Committee was that orders regarding the proportion or principles of distribution should be passed under section 8 and section 10 (1*a*), read with section 13, and that subsequently the Collector should not determine the distribution but actually distribute the total cost between the four classes in accordance with the previous orders. The initial order regarding the proportion or principles of distribution would not necessarily be in rupees, it might be in the form of percentages, but the Collector's order under section 18 would give actual figures in rupees. The amendment is intended to make this clear."

The Hon'ble Rai Upendra Lai Ray Bahadur said:—

"My Lord, I would like to have a statement of the Hon'ble Member in charge of the Bill with regard to two points only. I would like to know whether where an outsider insists on the improvement of the locality the landlord should be liable to pay the costs and also where the landlord who has settled his lands permanently with the tenants and has no chance of enhancing the rents should be made liable for the proportionate cost. The landlord would get no benefit from the tenants. In fact it is the tenants who would be benefited. I would like to have a statement explaining the position."

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, regarding the point raised by my hon'ble friend, may I make the suggestion that this point may be made clear in the rule-making section. We know that there is litigation if the landlord bears a portion of the cost and then wants to enhance the rent of the tenant and there is a very salutary provision for a record of rights in clause 14 of the Bill that if power be given to the authorities and if the landlord wants to pay for the improvement he may get a certain percentage of what he pays—say 5 or 6 per cent. —instead of having to recourse to litigation. Similarly, the question whether a landlord who has permanently settled his land and who will not be benefited by the improvement will have to pay or not should be left to be settled by appropriate rules."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, that is the intention. All these points will be dealt with in the rules and in fact I had intended before this meeting to distribute to

Hon'ble Members copies of the draft rules which have been prepared under clause 36, but that intention was defeated by the Government press, and so it is impossible for me to refer Hon'ble Member to the specific rules. But when Hon'ble Members get the copies they will find that the rules meet the point raised by the Hon'ble Rai Upendra Lal Ray Bahadur. If the rules are defective in any point such as the one referred to by the Hon'ble Mr. Mitter, they will be reconsidered and the defects rectified."

The motion was then put and agreed to.

AMENDMENT No. 12.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that after sub-clause (*1*) (*iii*) of clause 18, the following be added, namely:

"and in such instalments as may be determined by him, having regard to the total amount recoverable from each such landlord or tenant' and his pecuniary circumstances."

He said:—

"My Lord, in view of what has already been accepted on the motion of the Hon'ble Kumar Shib Shekhareswar Ray, I do not know whether it is further necessary to move this amendment as there is a special clause, sub-clause (*m*) of clause 36, which is the rule making clause. We have got an assurance that the matter would be considered. But in the amendment proposed by the Hon'ble Kumar a certain share was meant, and in my amendment I think a general discretion is given. If the principle be accepted then I think instead of depending upon the rules it may be laid down that it should be recoverable in such instalments as may be determined. In that view I think it would be better to provide for it in the law itself than depending upon the rules. I therefore put it for the consideration of the Council whether my amendment should be accepted."

The Hon'ble Sir Charles Stevenson-Moore said:

"My Lord, I should like to explain that the rules provide for the entry in the apportionment order of the number of instalments in which the cost will be recovered. The number of instalments will be determined by the Collector having regard to the general incidence of costs. But the rules do not end there. They provide further that the Collector may increase the number of instalments in individual cases after he has prepared a detailed statement prescribed by clause 19 if he thinks this to be necessary. Then it is open to the Commissioner to revise on appeal the entries in the apportionment order regarding instalments and by executive instruction the Collector's orders in individual cases. Consequently the rules make very liberal provision for all that the Hon'ble Member asks for and indeed for more. But in any event we cannot accept the Hon'ble Member's amendment, because it requires that the Collector in determining the instalments for the purpose of the apportionment order shall have regard to the total amount recoverable from and the circumstances of the individual landlords and tenants. It is impossible for him to do this at that stage, for the apportionment order as prepared under clause 18, deals only with classes. The Collector does not get down to individual cases until he prepares subsequently the detailed statement prescribed by clause 19. So the amendment is defective in form. As I have said the rules are very liberal, and since the Hon'ble Member's amendment in its present form cannot possibly be accepted, I would suggest that he withdraws it."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, I now see the difficulty as explained by the Hon'ble Member in charge of the Bill. I therefore beg leave to withdraw the motion."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 13.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the words "and the decision of the Commissioner thereon shall be final" in lines 3 and 4 of sub-clause (*3*) of clause 18, the following be substituted, namely:—

"and may further appeal to the Local Government within 30 days from the order of the Commissioner, and subject to such appeal and further appeal the order of the Collector under clause (*iii*) of sub-section (*1*) shall be final."

He said:—

"My Lord, in this amendment I have suggested for another appeal, but on reconsideration I think one appeal would be sufficient and that it would serve no useful purpose for providing for another appeal. In that view I beg leave to withdraw the amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENTS Nos. 14, 15 and 16.

The following motions were, by leave of the President, withdrawn:—

14. **The Hon'ble Babu Kishori Mohan Chaudhuri** to move that after the words "landlord or tenant" in line 2 of clause 19, the following be inserted, namely:—

"and the instalments in which the said amount is to be recovered."

15. If amendment No. 14 be carried, also to move that after the words "enter such amount" in line 3 of clause 19, the words "and such instalments" be inserted.

16. Also to move that after sub-clause (*4*) (*c*) of clause 20, the following be added, namely:—

"or

(*d*) that having regard to the total amount recoverable from him and his pecuniary circumstances the determination of the instalments of payment by the Collector is unreasonable."

AMENDMENT No. 18.

The Hon'ble Sir Charles Stevenson-Moore moved that the words "by the Local Government" in lines 3 and 4 of clause 32 be omitted.

He said—

"My Lord, as the clause stands only the Local Government would be able to administer the capitalised cost of maintenance. Such is not Government's intention. Under clauses 30 and 31 works can be vested in local authorities or private persons and the maintenance entrusted to them. Government should be left free to hand over to them, if thought fit, the capitalised cost of maintenance for administration. Consequently it is proposed to omit the words 'by the Local Government' from this clause."

The motion was put and agreed to.

AMENDMENT No. 19.

The Hon'ble Babu Sarat Chandra Chakrabartty moved that after the word "in" in line 3 of sub-clause (*1*) of clause 33, the words "or cuts" be inserted.

Sir Charles Stevenson-Moore;

He said—

"My Lord, I owe it to the courtesy of the Hon'ble Mr. McAlpin, who kindly pointed out that the provision of the Indian Penal Code was quite sufficient for the purpose, and that the amendment in the lines I had proposed was unnecessary. So I beg leave to withdraw the amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 20.

The Hon'ble Sir Charles Stevenson-Moore moved that at the end of sub-clause (*2*) (*f*) of clause 36, the following be added, namely :—

"and prescribing the time within which objections and suggestions are to be made under section 6."

He said—

"My Lord, this is a formal amendment which repairs an omission in the rule-making clause. The Select Committee brought the period of limitation within which objections or suggestions might be filed under section 6 within the purview of the rules, but through an oversight no provision was made for framing rules in clause 36. The amendment remedies this omission."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 5.

The Hon'ble Sir Charles Stevenson-Moore moved that the Secretary be directed to renumber the clauses and sub-clauses of the Bill in consecutive order and to make corresponding alterations in all cross-references thereto.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 6.

The Hon'ble Sir Charles Stevenson-Moore moved that the Bill, as settled in Council, be passed.

He said—

"My Lord, in doing so, I should like to congratulate the Council on bequeathing to Bengal a legacy which is likely to prove of great value."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 7.

THE BENGAL ALLUVIAL LANDS BILL, 1920.

The Hon'ble Sir Charles Stevenson-Moore moved that the Report of the Select Committee on the Bengal Alluvial Lands Bill, 1920, be taken into consideration.

The motion was put and agreed to.

The Hon'ble Sir Charles Stevenson-Moore moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

Babu K. M. Chaudhuri; Babu A. C. Datta; Rai D. C. Ghose Bahadur.

AMENDMENT No.1 (Appendix B to the List of Business).

The Hon'ble Babu Kishori Mohan Chaudhuri moved that after sub-clause (*2*) of clause 1, the following be added, namely:—

"(*3*) It shall come into force on such date as the Local Government may, by notification in the *Calcutta Gazette*, direct."

He said—

"My Lord, it is pointed out to me that it is not necessary to say from what date the Bill will come into force. As soon as the sanction of His Excellency the Viceroy is obtained to the Bill, it will automatically come into operation. In that view of the matter, I do not press for the amendment and I beg that I may be allowed to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 2.

The Hon'ble Babu Akhil Chandra Datta moved that at the end of sub-clause (*2*) of clause 1, the following be added, namely:—

"Provided that this Act will have no application in cases in which the Government is one of the parties claiming the land."

He said—

"My Lord, the reason for moving this amendment is that in a very large number of cases, the Government is the proprietor of these newly-formed lands—not only as proprietors, but in many cases they are in actual possession. Therefore, the question to be decided is whether this Act will be applicable to the cases where the Government is of the party claiming the land. It appears however to me that it is hardly desirable that the Act should apply to the Government because it is a Bill relating to disputes for the possession of land; and that there is no reason to suppose that when Government is one of the parties, they will be a party to such breach of the peace. Besides, it appears to me that most of the provisions of the Bill are such as go to show that they are really intended to apply to private parties fighting a particular piece of newly-formed land. For these reasons, I propose, this amendment."

The Hon'ble Rai Debender Chunder Ghose Bahadur said:—

"My Lord, when I saw the amendment of the Hon'ble Babu Akhil Chandra Datta, I thought that it was a reasonable suggestion. The Hon'ble Member's idea is that a person who is interested in a cause should not be the judge of the cause; but there are other considerations. It is not exactly the case of a party judging his own cause and asserting his right to it barring others from disputing the title of the Government, but it is a case where the Collector, as representative of the Government, believing in good faith when the *chur* or the alluvial formation is so situate that it becomes the property of the State, should take steps to assert the right of the Government to the property. It would not be amiss if I here refer my friend the Hon'ble Mr. Datta to the provisions of section 9 of the Specific Relief Act, which enables the Government to take possession of a property to which it believes it has a right, and leaving others claiming any title to it to go to the Civil Court and prove the title. If that be the state of things, where is the harm in not restricting the Collector from taking possession of a *chur* land and asserting the claim of the Government to the possession of the same. It is very often rather the case that *churs* are thrown out in large rivers and estuaries of Bengal which form no part of permanently-settled estates and which the State can rightly claim as its own. That being so, it is needless

waste of time and of money to allow speculative persons to go and take possession of these properties, which apparently and really belong to the Government. Therefore, I would leave the words of the Bill as they are."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I must oppose the amendment. The Hon'ble Member can hardly expect Government forbearing and generous though they may be, to legislate themselves out of their rights as an ordinary landlord. There might be some point in his objection, if the Collector were to decide as between Government and other parties, but he has no power to do anything of the sort. All that the Collector can decide is the question whether the land has been recently formed, and whether there is any likelihood of a breach of the peace about it. The question of right and title to the land rests solely with the civil court, and the Collector has nothing whatever to do with it.

"Moreover, on general principles, Government are responsible for the public revenue and ought obviously to be given facilities which we give to private persons to protect themselves against rival claimants.

"As regards Government's attitude as a landlord, I may state that, I had been a member of the Board of Revenue for six years, and can assure the Hon'ble Member that Government never assert their claim to land if their title is bad. We have had cases in which Government have acquired title by adverse possession, but if Government's title is otherwise bad, we have invariably relinquished the claim, and given the property back to its rightful owners. That is the principle on which Government work, and there is no danger whatever in conferring on Government the rights of an ordinary landlord."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, it was never my intention to deprive the Government of getting the benefit if it was found necessary for Government to get this benefit. I thought that there might be technical difficulties, on the one hand, in the Collector taking possession of the land, and, on the other, taking steps to assert the right of the Government. If, after all, Government is keen on getting the benefit, I do not like to press the amendment and beg leave to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 3.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that the words "and includes reformation *in situ*" in line 7 of clause 2 (*a*) be omitted.

He said—

"My Lord, my reason for moving this amendment is that if it is possible to ascertain that the land is a reformation *in situ*, in that case there are no complicated questions of title and law to be decided; and the matter may be easily dealt with, if necessary, under the provisions of sections 145 and 146 of the Code of Criminal Procedure and it is not necessary in that case to take action under the proposed law. It is not only unnecessary but it may rather put the person really entitled to the land into some difficulties. In that view of the matter I propose that these words may be omitted, and that only the alluvial portion, which is not a reformation *in situ*, may be dealt with under this law.

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I am afraid I must oppose this amendment most strongly on behalf of Government. These words were inserted by the Select Committee merely in order to remove ambiguity from the clause as drafted, and it was not intended to affect any change in principle. Doubt was expressed

whether this clause, as originally drafted, carried out the intention of its framers; and so on the advice of the Legal Remembrancer, these words were added to put the matter beyond question.

Now, it is an almost invariable practice for one of the parties, sometimes more than one, to claim a *chur* as reformation *in situ* in disputes of this kind. If the Council were now to exclude these words, its action might be interpreted as meaning that in the event of any such claim being advanced, the Collector would be stopped by it from taking any proceedings under this law. If this were the result, the Act would be utterly unworkable, and we might save ourselves further trouble, and consign the Bill to the waste paper basket. In this view, I oppose the amendment."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, when action will be taken upon preparation of maps at that time, it may be easily ascertained whether a particular portion is a reformation *in situ*, and in that case much difficulty will not arise. In that view of the matter I leave the amendment to the Council."

The motion was then put and lost.

AMENDMENT No. 4.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that after the words "credibly informed" in line 5 of sub-clause (*1*) of clause 3, the words "and satisfied on inquiry" be inserted.

He said—

"My Lord, my proposal is not only upon some information—and it is generally the police information—the Collector will take action, but that after some enquiry which the Collector may think reasonable may be made before taking action and not simply upon information. That is the idea in which I have suggested the insertion of the words."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I must oppose this amendment on two main grounds.

The fundamental purpose underlying the Bill is to prevent breaches of the peace. Now, in the analogous case of proceedings under section 145 of the Code of Criminal Procedure, which aims at the same object, there is no provision which requires the Magistrate to hold an enquiry before taking action. Then if a breach of the peace is imminent (and in most disputes of this nature a breach of the peace is imminent), there will be no time to hold such an enquiry. Indeed, the prospect of the Collector's enquiry, if made indispensible by the law, would very probably precipitate a breach of the peace."

The Hon'ble Babu Kisori Mohan Chaudhuri said:—

"My Lord, I do not press for the amendment, and beg that I may be allowed to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 5.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that the words "or is likely to arise" in line 6 of sub-clause (*1*) of clause 3, be omitted.

He said—

"My Lord, I do not understand why, if no dispute exists and there is no likelihood of a breach of the peace, action should be taken. If these words

are allowed to remain in the Act, there will be no necessity to see whether a breach of the peace is imminent or not. In every case whenever any *chur* is formed, the Collector may say that there is a likelihood of the breach of the peace arising with regard to the *chur*. I think that it may not be necessary to take action upon a likelihood of a breach of the peace. As soon as any party breaks the peace, action may be taken and that is the view in which I propose this amendment."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I am afraid this amendment must also be opposed. It is the definite policy of Government to put the Collector in a position to anticipate trouble. In the Statement of Objects and Reasons which accompanied this Bill as introduced in the Council, it was explained that the previous Bill of 1905 had proved defective in that it did not admit of the Collector interfering at an early enough stage. These words were introduced in the present Bill to cure that defect, and it is most necessary that these words should be retained. Moreover, if there is in fact no likelihood of any breach of the peace, it is easy enough for the parties to convince the Collector that this is so when he goes to the spot, and then the Collector will, of course, stay proceedings. If there is no danger of a breach of the peace, the Collector would have no jurisdiction, so the case would be dropped at once. If this Bill is to prove effective, we must retain these words; and as I have shown, no risk is incurred by placing the Collector in a position to interfere at an early stage, because it is always open to the parties to convince him that there is no dispute. On these grounds, I must oppose this amendment."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, my objection still is that it will cause unnecessary harassment of the parties, as they will have to go to the Collector and convince him that there is no likelihood of a breach of the peace. With these observations I leave it to the Council."

The motion was then put and lost.

AMENDMENT No 6.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that the words "in his opinion" in line 7 of sub-clause (*1*) of clause 3 be omitted.

He said—

"My Lord, in this case I do not understand why the opinion of the Collector is specially necessary as to whether any alluvial land has been recently formed or not. I think that the words 'in his opinion' should go out and in that view I have suggested this amendment."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I must oppose this amendment.

As I said when presenting the report of the Select Committee, it is impossible to define in so many words what constitutes a recent formation; but, at the same time, it is quite easy for an experienced officer, experienced in deltaic conditions in Bengal, who visits the spot, to determine whether that land is a recent formation or not. It is obvious that this is essentially a case where we should trust the man on the spot and that our proper course is to leave the decision to him."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, in reply I may say that I have no objection to the retention of the words 'in his opinion,' if they mean that he will form his opinion after some enquiry."

The motion was then put and lost.

AMENDMENT No. 7.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "recently formed" in line 8 of sub-clause (*1*) of clause 3, the words "appeared on the surface of the water not more than a year before" be substituted.

He said—

"My Lord, it appears to me that the words 'recently formed' are rather vague and are not a fit and proper expression. I think that there should be some limit of fine imposed, *i.e.*, more than a year before the formation of the land. I am not, however, very particular about the limit of time, and it may be one year or six months; but I think that something of that sort should be expressly stated, the words 'recently formed' being very very vague."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I must oppose this amendment. As I have said, the Select Committee found it impossible to define in words what constitutes a recent formation without raising legal and practical difficulties, and there is really no necessity why we should attempt to define it; because as was pointed out also at the time of the presentation of the Select Committee's report, these disputes ordinarily arise in regard to the initial possession of *churs* which have recently formed, but not over *churs* which have been in existence for some time. Therefore, the risk of the Bill being misapplied, is negligible, and any such attempt if made would be easily defeated, for as I said in answer to the last amendment, it is easy enough for an experienced officer going to the spot, to tell at a glance whether the particular *chur* is a recent formation or not. He can tell it from the size of the trees, the condition of the cultivation of the field boundaries and so on.

A still more serious objection to the Hon'ble Member's motion lies in the fact that the rapidity with which *churs* form and become cultivable varies enormously in different localities and along different rivers. The progress made depends very largely on the regime and building properties of individual rivers, and although the silt-carrying qualities of each river may be fairly constant, its regime is always undergoing variation. The result is found to be that some *churs* after making their appearance above water develop so slowly that five years or more may elapse before they become of any potential value and attract the attention of the covetous, while other *churs* grow so rapidly that they produce a crop of grass in the first year and a small crop of paddy the second year of their existence. Such being the conditions, the Council will see at once that it is quite impossible to accept the Hon'ble Member's definition of a recent formation as one that has appeared on the surface of the water not more than one year before. Accordingly I oppose the motion."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I am extremely sorry that I could not follow the Hon'ble Member in charge—I mean I could not catch his words."

The motion was then put and lost.

AMENDMENT No. 8.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that the words "or of the local welfare" in line 10 of sub-clause (*1*) of clause 3 be omitted.

He said—

"My Lord, I hope this amendment will be accepted. As I understand that it will be accepted, I need not waste the time of the Council and I simply move it for the consideration of the House."

Sir Charles Stevenson-Moore; Babu K. M. Chaudhuri; Babu A. C. Datta; Mr. Roy.

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I have much pleasure in accepting this amendment on behalf of Government."

The motion was then put and agreed to

AMENDMENT No. 9.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that at the end of sub-clause (*1*) of clause 3, the following be added, namely:—

"and such attachment shall be proclaimed by beat of drum in and around the land attached and by affixing a notice in writing on any conspicuous place within the land attached and shall also be notified in the *Calcutta Gazette*, and the local newspapers, if any."

He said—

"My Lord, as my motion No. 8 has been accepted, I don't think the present amendment is particularly necessary. It can better be done by rules. So I beg leave to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 10.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "he may himself" in line 2 of sub-clause (*2*) of clause 3, the following be substituted, namely:—

"he shall retain possession of the land till the final determination of the reference under section 4 A, sub-section (*1*). The Collector may."

He said:—

"My Lord, I think this is a most controversial matter, and in fact it must be the intention of the Bill that the Collector should be in possession of the land until the final determination of the question of title on a reference under section 4 A. So what this amendment seeks to do is only to make it clear, as it is not otherwise clear in this clause."

The Hon'ble Mr. Roy said:—

"My Lord, I would oppose the amendment on behalf of Government on the simple ground that the Collector would attach the land after he has satisfied himself that there is likely to be a breach of the peace. The Collector retains possession of the land only until the civil court decides the matter. The amendment proposes nothing more than what is already in the Bill. I therefore oppose it."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, it has not been opposed on the ground that there is anything contentious in it, but on the ground that it is not necessary, because that is what the Bill really seeks to do. But I think it must be under the contemplation of the Bill and there cannot be any other intention. Nonetheless it appears to me that the intention is not clearly stated. I don't see what harm there can be in expressly stating what is really contemplated by the Act. So I beg to press this amendment."

The motion was then put and lost.

AMENDMENT No. 11.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "three years" in line 3 of the proviso to sub-clause (2) of clause 3, the words "one year" be substituted.

He said—

"My Lord, my whole object is this: the matter will be decided, of course, finally by the civil court. In the meantime there is no doubt it is necessary that the Collector should have the power to settle. The whole question is what is the maximum period for which he should be allowed to settle the land pending the decision of the civil court. Now it appears to me that 3 years is rather too long a period for this purpose, because before the expiration of the 3 years the matter may be finally decided by the civil court. The land may be in the possession of some party who may not be acceptable to that claimant in whose favour the question is finally decided by the civil court. That is from the standpoint of the final successful party. On the other hand from the standpoint of the Collector there is no difficulty, because the lease can be renewed again in the succeeding year, so that if there is no inconvenience on the part of the Collector there would be some advantage given to the final successful party."

The Hon'ble Sir Charles Stevenson-Moore said:—

My Lord, this amendment must be opposed. The 3 years' limit is merely a maximum. It is competent for the Collector to reduce the period of settlement if he has reason to believe that the reference to the civil court will be decided in a shorter period. At the same time there are important complicated cases which certainly will occupy the civil court in hearing the reference and the subsequent appeal more than 3 years, and it is desirable that in such cases the Collector should settle the land once for all for a full period of 3 years instead of having the trouble of making annual settlements. It is also an advantage to the tenants, who naturally like to be left undisturbed as long as possible. It is our deliberate intention that the proprietor should be given full freedom of action in settling his lands as soon as practicable after his title has been determined and possession given to him, and I should be quite willing to instruct Collectors to give effect to this intention so far as possible when making settlements, but settlements must be for some definite period and the period of 3 years is, as I have said, merely a maximum which the Collector is fully competent to reduce when circumstances would justify him in doing so."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I am thankful to the Hon'ble Member in charge for the assurance that instructions will be issued guaranteeing that the proprietors would be given full freedom after the decision of the civil court. But supposing the Collector gives a settlement for 3 years, a difficulty may arise say a year after the question is decided by the civil court, because it will not be open at that stage to the Collector to cancel the settlement already granted; it will go beyond his control then. Then it has been suggested—not without some force certainly—that the Collector will always take into consideration the fact as to whether in any particular case the matter is intricate and is likely to take more time or not, but this 3 years' limit will apply in all cases, not only at the beginning of the reference but also when the reference is pending in the civil court as also towards the final stage of the proceedings in the civil suit. So I think there is no harm in accepting this amendment. The only thing is that some trouble is involved in making settlements year after year, which ought not to be grudged in view of the fact that it will give some advantage to the landlords. Now, my Lord, in all these cases there are several parties and tenants grumbling for possession. Indeed the Collector does not know which party is really acceptable to the landlord and it may so happen that settlement may be given to a particular set of tenants who are

Rai D. C. Ghose Bahadur; Babu A. C. Datta; Mr. A. C. Singha; Sir Charles Stevenson-Moore.

most unacceptable to the zamindar but who finally succeed in the civil suit. Therefore that sort of restriction should be removed as soon as possible after the disposal of the reference by the civil court In that view I do not think there can be any serious objection to this amendment."

The Hon'ble Rai Debender Chunder Ghose Bahadur said:—

"My Lord, I don't see any cause of apprehension on the part of my hon'ble friend, Babu Akhil Chandra Datta. The proceedings of the Collector will be subject to the decision of the civil court and all the orders of the Collector, whether settlement or otherwise, will be affected by the judgment of the civil court. I don't imagine that a settlement-holder or the Collector will be allowed to hold on after the judgment of the Court which declares the right in favour of the plaintiff in the civil court. If there be really any apprehension, I am sure the plaintiff's advisers at the civil court will take the precaution of making the settlement-holder one of the parties to the suit, so that there might be an end of all trouble on the part of the plaintiff. There is much to be said in favour of a 3 years' settlement instead of 1 year. I don't think one would agree to take a settlement for 1 year."

On **the Hon'ble Babu Akhil Chandra Datta** rising to speak again the President said:—

"The Hon'ble Member has already spoken twice He cannot speak any more."

The motion was then put and lost

AMENDMENT No. 12.

The Hon'ble Mr. Arun Chandra Singha moved that after the proviso to sub-clause (2) of clause 3, the following be added, namely:—

> "the settlement or resettlement being made only by public bids at an auction to be specially held for the purpose after a public notification of the same is issued fifteen days before the date of the auction giving all necessary particulars of the land and mentioning the place, date and hour of the auction"

He said—

"My Lord, the procedure laid down in this amendment is what is usually followed in the settlement of lands. If the matter of settlement of *churs* is left to the discretion of the Collector or receiver cases may occur where settlements made may not be to the advantage of the landlord It is therefore desirable that the procedure should be embodied in the Act to safeguard the interests of the proprietors."

The Hon'ble Sir Charles Stevenson-Moore said:

"My Lord, I must oppose this amendment. It deals with details regarding settlements or re-settlements These are obviously matters which should be governed by rules and not by statute. Moreover the proposal is open to objection on its merits. An experienced officer will find no difficulty in fixing rents which are fair and equitable and in selecting respectable and substantial tenants who can be trusted to pay them. It would be contrary to good policy to place ourselves at the mercy of speculators and men of straw which would in effect be the result of the Hon'ble Member's proposal. Moreover, the Collector will often find that cultivators are already in possession of portions of the area If these are suitable tenants, it would be most inequitable to turn them out and put up to auction the lands on which they have been spending money and labour. The settlements will be made for a short period, and it is all the more essential therefore that in making them the Collector should be in a position to select tenants who can pay their rents and will do so without obstruction."

Mr. A. C. Singha; Babu K. M. Chaudhuri; Babu A. C. Datta; Sir Charles Stevenson-Moore.

The Hon'ble Mr. Arun Chandra Singha said:—

"My Lord, I have nothing more to add."

The motion was then put and lost.

AMENDMENT No. 13.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the words "or is likely to rise" in lines 4 and 5 of sub-clause (*3*) of clause 3, the following be substituted, namely:—

"and that the land attached under sub-section (*1*) is not alluvial land recently formed."

He said:—

"My Lord, this amendment has become unnecessary after the decision on amendment No. 5. So I beg leave to withdraw it."

The motion was, by leave of the President, withdrawn.

AMENDMENT No. 14.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "in such case the Collector" in line 5 of sub-clause (*3*) of clause 3, the words "the Collector, if satisfied that no such dispute as aforesaid exists or is likely to arise," be substituted.

He said—

"My Lord, I shall not take up the time of the Council by making any speech on this amendment, because there is no question of principle involved in it. It is only a verbal alteration to give effect to a real intention of the Bill, and I am sure it will and is likely to be accepted by Government."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, the Hon'ble Member's drafting is an improvement, and I therefore gladly accept it on behalf of Government."

The motion was then put and agreed to.

AMENDMENT No. 15.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the words "cancel his order of attachments under sub-section (*1*), and all further proceedings thereon shall be stayed, but, subject to such cancellation, the said order shall be final" in lines 5 to 8 of sub-clause (*3*) of clause 3, the following be substituted, namely:—

"decide on such objection by an order in writing and an appeal shall lie to the Board of Revenue if presented within 30 days from a decision of the Collector under this section refusing to cancel the order of attachment."

He said—

"My Lord, in this amendment I have suggested that an appeal may be provided, as it may not be enough to merely depend upon the decision of the Collector which might give rise to unnecessary litigation and cause much harassing of the parties. So I think an appeal may be provided on the Collector's decision refusing to cancel his order. In that view, I have suggested that an appeal should lie to the Board of Revenue. My reasons for suggesting the Board of Revenue are that the highest revenue authority

in the land may sit and get an opportunity of revising the unnecessary order of the Collector. That is the main idea upon which I have suggested this amendment."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I must oppose this amendment. The Collector has simply to decide whether there is a dispute or not—a perfectly simple matter. There is no necessity for an appeal to the Board of Revenue or any other executive authority in such a simple matter, whilst in point of fact the reference to the civil court is tantamount to an appeal. In any case an appeal in a police matter to the Board of Revenue, which is the final court of appeal in revenue matters only, would be irregular and improper."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, I think it is not a mere question of whether there is any case or reason for interference. When it will be shown before the Collector that no dispute exists or is likely to arise, and if upon evidence there is a decision of refusal—of course, if it is accepted, there is an end of the matter, but if it is thought that a reference should be made to the civil court in that case, I think, before putting the parties to unnecessary litigation, an opportunity may be given to them. That is my object and in that view I leave it to the consideration of the Council."

The motion was then put and lost.

AMENDMENT No. 16.

The following amendment was deemed to be withdrawn:—

If amendment No. 15 be carried, the Hon'ble Babu Kishori Mohan Chaudhuri to move that after sub-clause (3) of clause 3, the following be added, namely:—

"(4) If the Collector decides that no such grounds for attachment as are mentioned in sub-section (1) exist and if no appeal is presented therefrom, or if on appeal the Board of Revenue so decides, the order of attachment under sub-section (1) shall be cancelled and further proceedings thereon shall be stayed, but subject to such cancellation the said order of attachment shall be final, except as provided in section 4A."

AMENDMENT No. 17.

The Hon'ble Babu Akhil Chandra Datta moved that clause 4 be omitted.

He said—

"My Lord, my reason for this amendment is this: it is not that I propose to do away with the survey map altogether. My idea is that a local investigation is almost in all cases necessary. This clause 4 contemplates that sort of local investigation, but it is a local investigation which will be carried on on general lines in all cases, but in the particular circumstances of each particular case there will be a local investigation on other points with reference to the particular documents which may be produced by the parties in the civil court in support of their respective cases. So even after this investigation as contemplated by clause 4 there still may be an additional local investigation necessary to be carried on by what are called Commissioners. Therefore it appears to me that there will be that sort of investigation twice over. That may be unnecessarily expensive. So it is not necessary to expressly provide for an investigation like this, because in the ordinary course this sort of survey and preparation of maps can be done under the orders of the Civil Court. Therefore with that object in view, namely, to avoid the necessity of such investigation twice over, I think this clause may be omitted."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, Government are strongly opposed to this amendment which would involve a very serious mutilation of the Bill. That the Collector's survey should be expunged from the Bill was not suggested in Select Committee or so far as I remember by any person or association that furnished us with views on the Bill. Before I describe the benefits which will accrue from the survey for which this clause provides, I should explain that our intention is to provide by the rules that this survey shall be carried out on the most scientific and up-to-date lines based on the theodolite. The survey will, therefore, be as accurate as it is possible to make it. Now the advantages which will result from the survey will be manifold. In the first place it will provide the basis for the Collector's settlement of the lands. Settlements cannot be made satisfactorily without survey. Some kind of survey will be necessary in any case, and the more accurate the survey the better will the settlement be. This accurate survey will also prove of great use to the landlord in settling and administering his estate when he is placed in legal possession of the land. These advantages to be derived from the survey, important though they are, I regard as of less weight than one to which I shall now refer. The most important benefit which will result from making a survey on the lines provided by this clause will be that in a majority of cases the claimants will agree to adjust their differences amicably before the Collector on the basis of that survey and thus references to the civil court will be found unnecessary. My reasons for making this assertion are as follows.

The main point which arises for decision in such cases as this rests on the position of boundaries of relevant villages and estates as mapped in the previous survey, and when once these relevant lines have been ascertained, it is possible to decide whether a new formation is a reformation *in situ* of an old estate, or an accretion; and if it is an accretion, to which estate and village it appertains. Now, in order to decide these points, we must do two things; we must first of all have an accurate survey of existing conditions, and on that survey we must relay these lines. The relay of the relevant lines of previous surveys is recognised as the best available evidence of title, and landowners when satisfied that the relay is accurate and cannot be disputed adjust their differences on that basis and carry the matter no further. That has been our experience during district survey and settlement operations, and it is reasonable to anticipate that landowners will adopt the same course when these cases arise.

Furthermore if these cases are not adjusted in this way, and references to the civil court become necessary, the Collector's survey will still prove of great value. The Collector will possess an accurate map which he can attach to his reference, and which will serve to elucidate it. The civil courts will at the same time proceed on an absolutely accurate document, which will explain to them the nature of the dispute, and which will help them in adjudicating on its merits. For these reasons, which, I submit, are very substantial reasons, I venture to think that it would be folly for the Council to agree to expunge the provisions of this clause."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I have the highest respect for the opinion of the Hon'ble Sir Charles Stevenson-Moore; and therefore when he began by saying that he opposed this amendment very strongly, I thought that there must be something really objectionable in my proposal. After hearing his reply, I must admit that there are one or two points involved in this matter which really deserve reconsideration; and I am convinced that it will be an advantage to have a map and a survey. Therefore I have changed my opinion and I do not press my amendment."

The motion was then, by leave of the President, withdrawn.

Babu K. M. Chaudhuri; Sir Charles Stevenson-Moore.

AMENDMENT Nos. 18 AND 19.

The following amendments were deemed to be withdrawn :—

18. If amendment No. 15 be carried, the Hon'ble Babu Kishori Mohan Chaudhuri to move that after the words " under section 3 " in line 2 of sub clause (*1*) of clause 4, the words " and in case no appeal has been preferred under sub-section (*3*) of section 3 " be inserted.

The following amendment was deemed to be withdrawn:—

19. If amendment No. 15 be carried, **the Hon'ble Babu Kishori Mohan Chaudhuri** to move that after the words " as soon as possible " in line 2 of sub-clause (*1*) of clause 4, the following be inserted, namely :—

> " after such attachment or in case an appeal has been preferred under sub-section (*3*) of section 3, after the decision of such appeal, if such decision confirms the order of attachment "

[At this stage the Council adjourned for lunch]

(*After lunch*)

AMENDMENT No. 19A.

The Hon'ble Sir Charles Stevenson-Moore moved that for the words " the relevant revenue and diara survey lines " in lines 4 and 5 of sub clause (*1*) of clause 4 the words " the revenue diara and other relevant survey lines " be substituted.

He said—

" My Lord, this amendment merely supplies an omission in the original draft. In the original draft, the words ' and other ' existed but for some unknown reason, they were allowed to drop out in subsequent drafts "

The motion was put and agreed to.

AMENDMENT No. 20.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that at the end of sub clause (*1*) of clause 4, the following be added, namely

> " and shall make a valuation of the land for the purposes of jurisdiction of the Civil Court and court fees and such valuation shall be deemed by the Court to be correct until the [illegible] is shown

He said—

" My Lord, my submission is that that when surveys are made, the valuation of the land should also be made, as that will determine the jurisdiction of the civil court, that is, in what court whether in the court of the Munsiff, or in the court of the Sub Judge, the case should go and also what should be the court-fee. Of course, there is something in the Bill about the costs, but if a valuation be made in the beginning, action may be taken according to that valuation and when the reference is made, the chief court will send the case to the proper court. Of course, when the case will be taken up, the parties may take any objection; but for the initial purpose, I think it would be better if such a valuation be made by the Collector before referring the matter to the civil court."

The Hon'ble Sir Charles Stevenson-Moore said:—

" My Lord, I would ask the Hon'ble Member to withdraw this amendment, not that there is any objection to the amendment, but because it would be out of place here and there is another amendment in the name of the

Hon'ble Babu Akhil Chandra Datta, referring to the same subject which Government propose to accept with a slight modification. That amendment will be proposed as an addition to clause 4A, to which it more appropriately appertains."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"In view of what the Hon'ble Member in charge has said, I may be permitted to withdraw this amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 21.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that at the end of sub-clause (*1b*) of clause 4, the words "until the contrary is shown" be added.

He said—

"My Lord, in this amendment my point is that as regards the correctness of the map the presumption should be clearly rebutable; and in that view of the matter, I have suggested the amendment. I hope that it will be accepted."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I beg to accept this amendment on behalf of Government."

The motion was then put and agreed to.

AMENDMENT No. 22.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "when the survey and map referred to in section 4, sub-section (*1*), have been completed, the Collector shall" in lines 1, 2 and 3 of sub-clause (*1*) of clause 4A, the following be substituted, namely:—

"when the Collector has attached any alluvial land under section 3, sub-section (*1*), he shall, within two months from the date of such attachment or from the date of the order, if any, passed under section 3, sub-section (*3*), refusing to cancel the order of attachment."

He said—

"My Lord, I proposed this amendment under the conception that clause 4 would be dropped. Now that it has been retained, it will give effect to this amendment. I therefore propose to withdraw it.

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 23.

The Hon'ble Babu Akhil Chandra Datta moved that after the word 'shall" in line 3 of sub-clause (*1*) of clause 4A, the words "within 3 months from the date of such completion" be inserted.

The President said—

"No. 23 is consequential upon Nos. 17 and 22. Will the Hon'ble Member explain what the position is with regard to 23?"

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, in this amendment, what I propose is this: in clause 4A, it is said that when a survey map has been completed, the Collector should pass an order making a reference to a civil court, etc., but there is no time-limit

fixed. We all know, my Lord, that the Collector is a very busy officer; he has various duties to attend to, and there is just a possibility of their being an unreasonable delay in making a reference to a civil court. Therefore, my Lord, it is desirable in this case that the matter should be expedited as much as possible. Therefore, I submit that there should be some time-limit about this reference—a certain time within which it will be obligatory for the Collector to make this reference, and that limit should be a reasonable one. It may be 3 months or 6 months, but if there be no time-limit, the Collector may, through an oversight or for any other reason, not make the reference say within 2 years, but that is an extreme case. I think, therefore, that there should be some limit of time."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I must oppose this amendment, not that I object in principle to fixing a limit of time but because it seems to me that it is impossible to do so in practice. That being so, it is much better to trust the Collector in the matter, and to recognise that he will refer the case to the civil court, as soon as he possibly can. Why I say the proposal is not practicable is because it is not disclosed what is to happen in case the Collector does not submit his report within 3 months; supposing he takes 3 months and 2 days, what is to happen? Will all his work go for nothing and all his proceedings go for nothing, and the risk of bloodshed be incurred merely for the sake of a petty irregularity? In view of this difficulty, it would be impossible in practice to fix any limit. We can certainly rest assured that the Collector will submit the case to the civil court as soon as possible, and without any delay."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I appreciate the difficulties mentioned by the Hon'ble Member in charge of the Bill. May I take the liberty of suggesting that some such expression as 'shall as soon as possible' be put in. If it is not desirable to have a hard and-fast rule about the time-limit, the Collector may understand that he is to do it as soon as possible. May I be permitted to alter the amendment in this respect?"

The President said:—

"I am prepared to hear what the Hon'ble Member in charge of the Bill has to say in regard to this."

The Hon'ble Sir Charles Stevenson-Moore said:—

"I think there can be no objection to accepting the amendment in that form."

The amendment was then put in the following amended form and agreed to, namely:—

That after the word "shall" in line 3 of sub-clause (*1*) of clause **4A**, the words "as soon as *possible*" *be inserted*.

AMENDMENT No. 24.

The Hon'ble Babu Akhil Chandra Datta moved that after the words "to the land" in line 6 of sub-clause (*1*) of clause **4A**, the words "or is otherwise entitled to possession of the land" be inserted.

He said—

"My Lord, this is intended to make the matter as comprehensive as possible, because quite apart from the question of strict right to the land, we can extend it to a period in which a party may be entitled to possession of the land The object of this amendment is to cover these cases also."

The Hon'ble Mr. Roy said:—

"My Lord, on behalf of the Government I beg to oppose this motion. It will be observed that we have used the word 'possession' only twice—once in the beginning in the heading of the Bill, and then in the end when the Collector gives up possession under clause 5. We object to it on the ground that we wish to avoid using the word 'possession' any further. It may be remembered that Sir John Cumming, when he introduced the Bill, pointed out how riots resulted in the dispute for possession, and we do not want to use the word 'possession' in order to give a loophole for any further fights. We wish to make it quite clear that the decision of the court will be final on the question of title, for the Collector is in possession; and the court has not got to determine who is in possession, but to determine the question of title. That is also the procedure when proceedings are drawn up under section 146 of the Code of Criminal Procedure; when land is attached, the plaintiff has to bring a suit for the determination of the title. What the Hon'ble Member is thinking of is, of course, the case where one person who had title but had lost it by some means or other, and another party is entitled to possession because he has acquired title. But that is covered by the case when the person who is entitled to possession has got the title. It is really a question of title which we are referring to the civil court. Therefore, there is no necessity to accept this amendment. On these grounds I oppose it."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, the class of cases that I was thinking of are those in which a land belongs to *A*, and he grants a *diara* lease to *B* for 100 years or 50 years. The title of the lease is the title of the land; the possession of the land is with *B*. When *B* has got possession for such a long time it is only reasonable that in these cases, *B's* case should be covered by the reference. In that view of the matter, I wanted to make it more comprehensive. I should, therefore, think, with due respect to the opinion of the Hon'ble Mr Roy, that it would be better to adopt my amendment."

The motion was then put and lost.

AMENDMENT No. 25.

The Hon'ble Babu Akhil Chandra Datta moved that after the words "said land" in the last line of sub-clause (*1*) of clause 4A, the following words be added, namely:—

> "the amount of costs incurred by the Collector under section 3 or 4, and shall also state the value of the land for the determination of the pecuniary jurisdiction of the Civil Court."

He said—

"My Lord, as I understand that the Hon'ble Member in charge of the Bill will accept this amendment, I shall not take up the time of the Council."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I have no objection to accept this amendment on behalf of Government, subject to a slight alteration. The latter part of the sentence runs as follows:—'And shall state the value of the land for the determination of the pecuniary jurisdiction of the civil court.'

Now, under clause 4A (*2*), the principal civil court of the district and other competent civil courts subordinate to it have concurrent jurisdiction; and the amendment, as worded, might be held to affect this. Consequently, it is proposed that merely the words 'and the value of the land' should be substituted for the portion of the sentence which I have read out. In that event the clause will run as follows:—'The amount of costs incurred by the Collector under section 3 and section 4, sub-section (*1*), and the value of the land.'

The wording, which I suggest, is much simpler; and, I think, carries out the intention of the Hon'ble Member."

The Hon'ble Babu Akhil Chandra Datta said:—

"I accept the modification suggested by the Hon'ble Member in charge."

The amendment was put in the following form and agreed to, namely:—

That after the words "said land" in the last line of sub-clause (*1*) of clause 4 A, the following words and figures be added, namely:—

"The amount of costs incurred by the Collector under section 3 and section 4, sub-section (*1*) and the value of the land."

AMENDMENT No. 26.

The Hon'ble Babu Akhil Chandra Datta moved that at the end of sub-clause (*1*) of clause 4A, the following be added, namely:—

"Provided that the Collector shall not make such reference if a suit for the determination of title to the land or title to the possession of the land had already been decided by or had been pending in any Civil Court competent to try or dispose of such suit.

Provided also that the Collector shall not make such reference if a reference under this section had already been made by the Collector on a former occasion."

He said—

"My Lord, as I understand that this amendment is likely to be accepted by Government, I do not think it is necessary to speak on it."

The Hon'ble Mr. Roy said:—

"My Lord I would ask the Hon'ble Member to explain his amendment, as it will not be accepted by the Government."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I understood the Hon'ble Mr. Roy to say that this amendment would be accepted."

The Hon'ble Mr. Roy said:—

"My Lord, I am going to oppose this amendment. I may mention that I told the Hon'ble Mr. Datta that amendment No. 28 would be accepted in part."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, my proposal speaks for itself and it requires no words of mine to commend itself. It seeks only to lay down that if a suit for the determination of title to the land had already been previously decided by a civil court or if a suit is pending at the time, it is hardly necessary for the Collector to make another reference to the civil court for the determination of the same matter. Otherwise, there would be so much waste of time on the part of the Collector, of the civil court and of the litigants."

The Hon'ble Mr. Roy said:—

"My Lord, I appreciate the intention of the hon'ble mover, but I am afraid I must oppose this amendment. The reasons are these: the difficulty

which the Hon'ble Member anticipates will probably arise in cases of reformation *in situ*. Now, the Hon'ble Member knows what a complicated question it is to decide of which estate the reformation is, and it is only possible to give a decision after a prolonged investigation. Then again, no land comes up the same as before and there is always some complicated question. If the Collector does not make a reference, what is going to happen? Is the land to remain under attachment for ever? It may happen that the Collector may find that after relaying the *diara* and survey lines, the land is covered by a previous civil court decree. It will be open to the parties to come to an agreement and show to the Collector that they will not fight; then the Collector will cancel the attachment under section 3 (*3*). But, if the parties do not agree and are prepared to fight, what is the Collector, to do? It would, I submit, my Lord, be satisfactory, if there be a dispute to refer the matter to the civil court and to get it decided by that court. That court will no doubt be guided by previous decisions on the same subject, and, will be in a position to judge whether the former judgment covers the land in dispute. Similarly, if there is a suit already pending in the civil court, that court will decide whether it should consider the reference or not. We do not wish to fetter the discretion of the civil courts in any way. Then, we have to think of the possibility that as soon as newly-formed lands emerge from water, people will rush to the civil court and ask for a decision. For the Collector, however, the determining factor will be whether there is a likelihood of a breach of the peace. In such cases, the most satisfactory solution to think of is to give power to the Collector to attach the land and then to make the reference; and we take this precaution for the purpose of avoiding bloodshed and rioting. Then, again, if the Collector desires to make a reference on account of the change of parties by sale, inheritance or otherwise, and if the amendment be accepted, the Collector will be prevented from taking this action. For these reasons, I must oppose this amendment."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, there is certainly force in some of the arguments adduced by the Hon'ble Mr. Roy. At the same time, it appears to me that there would be no finality in this matter. There is a title suit which has already been decided, then there is a fresh dispute, then again there is a reference to the civil court, and then there is a fresh dispute; under the clause as it stands the matter will be referred to the civil court. I should think that if the matter had already been decided by the civil court only about a year or some time ago, the Collector could only ascertain, with the help of a Sub-Deputy Collector, or kanungo or other amin, whether the land in dispute is covered by the decree or not. I think, therefore, that it would be desirable to insert these words."

The motion was then put and lost.

AMENDMENT No. 27.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that after the words "civil court of the district may" in lines 2 and 3 of sub-clause (*2*) of clause 4 A, the words "having regard to the valuation of the land given by the Collector" be inserted.

The President said:—

"The amendment standing in the name of the Hon'ble Babu Kishori Mohan Chaudhuri is consequential on the two amendments previously disposed of."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, I withdrew my amendment No. 20 because amendment No. 25 was accepted. I, however, ask permission to move this amendment."

The President; Babu K. M. Chaudhuri; Mr. Roy; Babu A. C. Datta.

The President said:—

"I understand that the Hon'ble Member withdrew his amendment No. 20 because a similar amendment No. 25 was accepted. Under the circumstances I have no objection in his moving the present amendment if he wishes to do so."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, it is only a formal matter. I suggested that it may be pointedly brought to the notice of the civil court in making the reference, whether it should try it itself or make it over to another court, in that the valuation of the land as given by the Collector may take into consideration. Only for that purpose I think the words suggested in the amendment may be inserted in clause 4 A. However I leave it to the Hon'ble Member in charge to decide whether the amendment should be accepted."

The Hon'ble Mr. Roy said:—

"My Lord, the amendment is superfluous. We have the word 'competent' in the section and that means the court having jurisdiction and necessarily that embraces the question of valuation of the land. I, therefore, oppose the amendment."

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"My Lord, in that case I may be permitted to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 28.

The Hon'ble Babu Akhil Chandra Datta moved that for the second paragraph of sub-clause (2) of clause 4 A, the following be substituted namely:—

"The said Court shall issue notices to all the claimants mentioned in the said reference and shall also issue general notices calling upon all other persons claiming interest to the land to appear and file statements of their respective claims The said Court may, at any stage of the proceedings either upon or without application and on such terms as may appear to the Court to be just, order that the name of any person whose presence before the Court may, in the opinion of the Court, be necessary in order to enable it effectually and completely to adjudicate upon and settle all the question involved in the reference, be added, and the Court shall issue notice to him to appear and file statement of his claims.

The said Court shall determine which of the claimants has the right to begin at the hearing of the reference."

He said—

"My Lord, I have been informed by the Hon'ble Mr. Roy that the first portion of this amendment is acceptable to him, that is, only the first sentence. That brings us down to the words 'file statements of their respective claims.' As regards the latter portion of this amendment, it has been pointed out to me by the Hon'ble Mr. Roy that a reference is to be treated as a suit under the Civil Procedure Code, and that this is unnecessary and redundant. I think Mr. Roy is right and therefore I do not press the latter portion of this first paragraph. Then as regards the last portion, I think there is no controversy about that. That may be retained."

The Hon'ble Mr. Roy said:—

"My Lord, the Hon'ble Member is under a misapprehension. What I said was that the first part of the amendment would certainly be useful. It might afford parties who had for some reason or other not appeared before the Collector an opportunity to come forward to make their claims before the Judge. But I object to the second part of the amendment, not on the ground that it is objectionable, but that it is unnecessary in view of the fact that under sub-clause (3) of this clause a reference shall be deemed to be a suit for all the purposes of the Civil Procedure Code. Any party may come in and ask to be formed as a party, or the court may of its motion add a party. The second part of the amendment is therefore superfluous. If the Hon'ble Member is therefore prepared to modify his amendment I will accept it."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, that is precisely what I submitted. I accept that."

The motion was then put in the following modified form and agreed to:—

That for the second paragraph of sub-clause (2) of clause 4A, the following be substituted, namely:—

"The said Court shall issue notices to all the claimants mentioned in the said reference and shall also issue general notices calling upon all other persons claiming interest in the land to appear and file statements of their respective claims. The said Court shall also determine which of the claimants has the right to begin at the hearing of the reference."

AMENDMENT No. 29.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that after the words "and shall also" in lines 10 and 11 of sub-clause (2) of clause 4 A, the words "before commencement of the hearing of the reference" be inserted.

He said—

"My Lord, what I have got to say I can say now, but I am faced with a difficulty. I wanted to insert certain words in certain lines of clause 4 A (2), but now the whole sub-clause has been recasted. So I am in difficulty."

The President said:—

"Order, order. The amendment in its present form clearly cannot now be moved because there is no longer any lines 10 and 11 in sub-clause (2) of clause 4 A. Does the Hon'ble Member wish to proceed with another amendment dealing with this point?

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

"In that case, my Lord, I may be permitted to withdraw the amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENTS Nos. 30, 31, 32 and 33.

The following amendments were deemed to be withdrawn:—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that after the word "determine" in line 11 of sub-clause (*2*) of clause 4A, the following be inserted, namely:—

"by an order in writing after hearing the parties (*1*) whether the reference by the Collector fulfils the requirements of section 3 of this Act, (*2*) whether the valuation given by the Collector is correct and (*3*)."

If amendment No. 30 be carried, **the Hon'ble Babu Kishori Mohan Chaudhuri** to move that at the end of sub-clause (*2*) of clause 4A, the following be added, namely:—

"and an appeal would lie from such order of the Court to the Court which would have jurisdiction to hear appeals from decrees of that Court, if presented within 30 days exclusive of the time taken for obtaining a certified copy of the order appealed against."

The Hon'ble Babu Kishori Mohan Chaudhuri to move that after sub-clause (*2*) of clause 4A, the following be added, namely:—

"(*2a*) If the Court decides that the reference does not fulfil the requirements of section 3 of this Act and no appeal is presented against such decision, or if on appeal the Appellate Court so decides, the reference will be discharged and such order will be passed regarding costs as may be thought fit.

Provided that no party who fails to appeal against the decision of the Court as provided in sub-section (*2*) will be entitled to question the validity of such decision in any appeal against the final order passed by the Court on the reference as provided in sub-section (*3*)."

If amendment No. 32 be carried, **the Hon'ble Babu Kishori Mohan Chaudhuri** to move that after sub-clause (*2a*) of clause 4A, the following be added, namely:—

"(*2b*) If the reference is not discharged as provided in sub-section (*2a*), the Court shall proceed to hear the reference in the manner provided hereafter."

AMENDMENT No. 34.

The Hon'ble Babu Akhil Chandra Datta moved that after the words and figures "Code of Civil Procedure, 1908," in lines 3 and 4 of sub-clause (*3*) of clause 4A, the following be inserted, namely:—

"and the said Court shall, in dealing with such reference, follow the procedure prescribed in the said Code for the trial of suits, so far as the same may be applicable."

He said—

"My Lord, it is only a question of drafting. The intention of the section is very clear and there is no doubt about it. The whole question is whether the intention of this clause should be made more explicit by the insertion of these words. I think it would be better to make it explicit."

The Hon'ble Mr. Roy said:—

"My Lord, I oppose the amendment on the ground that it is unnecessary. The matter was discussed in the Select Committee when this question was raised and we made the matter as clear as possible by laying down that the reference should be deemed to be a suit for all purposes of the Code of

Civil Procedure, 1908. The decision of the court would be a decree. We have put in the provision that it will be appealable in deference to the well-known dictum mentioned in Wilberforce's Statute Law, that in a matter of this kind it must be expressly stated in the Statute. Therefore we have inserted the word 'appealable.' It was also considered by the lawyer members of the Select Committee, and they consider also that the provisions of the Civil Code will apply. The Hon'ble Member says that there is no harm in accepting the amendment. But we are passing an Act which should be compact, and there is no reason why we should insert a superfluous clause in it. There is another view that I wish to put before the Hon'ble Members. If these words are put in here, it might be argued afterwards that the legislature did not intend other provisions of the Code to apply to this Act. In view of this it would seem that we should be on the safe side in adhering to the clause as framed. On these grounds I oppose the amendment."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, there is no doubt that these words would be deemed to make the Code of Civil Procedure apply, but it may be said that that is what is intended to be laid down by this amendment. At the same time may I point out that a reference under this Act cannot possibly be a suit for all purposes of the Civil Procedure Code. There are many matters in which the provisions of the Civil Procedure Code cannot possibly be applied to a reference made under this Act. Therefore in that view of the matter if the words suggested in this amendment are not acceptable, then I think some such words should be inserted, viz., 'as far as they are applicable' or the words generally used in such a case '*mutatis mutandis*.' Otherwise there is this difficulty that the reference cannot for all purposes be treated under the Code of Civil Procedure. I must assume that in one view of the matter the words I suggested may be more or less redundant, but in order to avoid other flaws I think some such expression should be inserted, viz., 'as far as applicable' or '*mutatis mutandis*.'"

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, I venture to think that the draft as it stands is better I would ask my hon'ble friend Babu Akhil Chandra Datta to remember that it is much safer to draft a thing more widely, and the draft as it stands is wider. As regards my hon'ble friend's suggestion for the insertion of the words 'so far as applicable,' I would ask the Hon'ble Member to consider that perhaps these words are not necessary, because the Code can only apply where it is applicable. So I suggest it had better stand as in the draft."

The Hon'ble Mr. Roy said:—

"My Lord, I don't think I have anything more to add to what the Hon'ble Mr. P. C. Mitter has just said. I think the insertion of the words 'as far as applicable' will spoil the effect, because the courts have wider powers and can apply the same whenever necessary."

The motion was then put and lost.

AMENDMENT No. 35.

The Hon'ble Babu Akhil Chandra Datta moved that at the end of sub-clause (*3*) of clause 4A the following be added, namely:—

"The provisions of section 11 of the Code of Civil Procedure, 1908, shall be applicable to such decision."

He said—

"My Lord, the object of this amendment is obvious. The whole question is whether the words that are already in the clause—I mean the last words, viz., 'shall be deemed to be a decree within the meaning of that Code

Mr. Roy; Rai M. C. Mitra Bahadur; Babu A. C. Datta; Sir Charles-Moore

and appealable as such ' will make the decree what is *res judicata*. If this Council thinks that what I really aim at is already covered by the last two lines of the clause, then I don't press. All that I want is that the decree should be final: that is my object, and as it is not very clear—at least not free from doubt—I think these words might be inserted. With these words I leave the matter for the consideration of the House."

The Hon'ble Mr. Roy said:—

" My Lord, I oppose the amendment on the same ground as before, that it is unnecessary now to bring in a particular section and make it applicable. The argument might be turned round later on with regard to another section. That is what we want to avoid. All provisions of the Civil Procedure Code will apply. That is our object."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said:—

" My Lord, as it was thought that the reference to civil court was not section will serve the purpose, and I therefore beg to oppose this amendment. We cannot at this stage say whether the decree is poor or not: it depends upon various matters. Consequently by statute it ought not to be declared that a certain judgment or order is poor That should be left entirely to the civil court to decide hereafter."

The Hon'ble Babu Akhil Chandra Datta said:—

" My Lord as it was thought that the reference to civil court was not sufficient, that is why ' appealable as such ' have been added to this sub-clause. Now the question is whether section 11 of the Civil Procedure Code will apply to such decisions. It has been objected to on the ground that it is redundant I do not really think so. My Lord, the time is not far distant when we shall congratulate the Hon'ble Mr. Roy on his elevation to the High Court bench. This point may possibly be argued before him as to whether section 11 does or does not apply. Therefore I think it would be better to make the whole thing clear now. The utmost that can be said against my amendment is that it is redundant. But the whole question is whether the point should be clearly stated here or whether it should be left in uncertainty."

The motion was then put and lost

AMENDMENT No. 36.

The Hon'ble Babu Akhil Chandra Datta moved that for the words " of the reference " in line 4 of sub-clause (*4*) of clause 4A, the words " incurred in the said Court up to the final disposal of the reference " be substituted.

He said—

" My Lord, I wanted to put in this because it appears to me that it has not been very clearly stated there. Is it intended to cover the cost which is incurred by the Collector in making the reference or by the expression of the reference does it mean all the costs incurred by the civil court after the final decision of the matter? To express it clearly, I think this motion should be accepted."

The Hon'ble Sir Charles Stevenson-Moore said:—

" My Lord, I am prepared to accept this amendment on behalf of Government on behalf of Government, subject to slight modification. It is necessary to omit the words ' in the said court ' from the amendment, because the reference will be appealable and the cost must include that incurred in the appellate court as well as that incurred in the lower court."

The Hon'ble Babu Akhil Chandra Datta said:—

"I accept the modification, my Lord."

The motion was then put in the following modified form and agreed to namely, that for the words "of the reference" in line 4 of sub-clause (4) of clause 4A, the words "incurred up to the final disposal of the reference" be substituted.

AMENDMENT No. 37.

The Hon'ble Babu Akhil Chandra Datta moved that at the end of sub-clause (4) of clause 4 A, the following be added, namely:—

"and such costs shall be recoverable under the provisions of the Code of Civil Procedure, 1908, relating to the execution of decrees."

He said—

"My Lord, I want to put in this because as a matter of fact it has not been stated anywhere in the Bill. There must be some provision laid down for the recovery of the costs contemplated by sub-clause (4) of clause 4 A."

The Hon'ble Mr. Roy said:—

"My Lord, I oppose this amendment on the same ground as I have opposed the two previous ones, namely, that section 4 A (3) is sufficiently comprehensive There will be a civil suit and there will be a decree which can be executed. My hon'ble friend says that we have mentioned about appeals specifically. I have explained already the reason for our doing so, because the law is that the appeal must be expressly mentioned you cannot indirectly bring an appeal. That is why in the Select Committee we have put in the word 'appealable.' This is not so in other matters. Therefore I think the amendment would be unnecessary."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I have nothing more to add."

The motion was then put and lost.

AMENDMENT No. 38.

The Hon'ble Babu Akhil Chandra Datta moved that after sub-clause (4) of clause 4 A, the following be added, namely:—

"(5) If no claimant appears before the Court and files statement of his claim, or if the question of title to the land be not decided in the reference in favour of any of the parties thereto, the attachment shall continue until the determination of the question of title by some competent Civil Court in favour of any other person."

He said—

"My Lord, these are the cases which are not contemplated and are not expressly provided for in the Bill. It is just possible that the question may not be decided in favour of any of the parties mentioned in the reference by the Collector; the land is in Eastern Bengal and it may just happen that the question is decided in the absence of a landlord who is living in Calcutta; the landlord does not know what is going on there, and the two parties having no interest for the land are fighting for it. The question therefore arises what would happen in that case. My amendment proposes to provide for that contingency. I say that in that case as well as in cases where no claimants appear, or if the claimants appear but the decision is not in favour of any of those present the attachment shall continue until the determination

of the question of title by some competent civil court. These are the cases which should be expressly provided for. This is the object of my amendment."

The Hon'ble Mr. Roy said:—

"My Lord, this amendment is unnecessary. Clause 5 provides that possession of the land is to be given by the Collector to the person stated in the order. Until such person is given possession the land remains in the possession of the Collector by virtue of the attachment. I appreciate the intention of the Hon'ble Member. I personally think that that contingency is not likely to arise. But if it does arise, what will happen? The court is not prevented from sending back that reference to the Collector, and the effect of that would be that the land would remain under attachment until the matter is decided by a competent court. But the court can also proceed on the materials before it. It will have the map showing the survey lines, and it may give a decision after examining the survey officers and others; or the court may decide that as no decision is possible the land would remain under attachment until the title to it is determined by a competent court. It is much better to leave the decision in the hands of the court. Once a reference is made it would be for the court to decide On this ground I oppose the amendment."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I am sorry I could not follow the arguments of the Hon'ble Mr. Roy. It is not proposed to tie up the hands of the Court. That question does not arise at all. This amendment provides for a case where the court does decide and only decides not in favour of any of the parties mentioned in the reference. It seeks to provide for a contingency like that. Then as regards the other matter mentioned by the Hon'ble Mr Roy, I think the court cannot do so unaided and take other necessary steps. I should think that is rather more than what the court can possibly do without the help of the parties. Without the help of evidence and documents how is it possible for the court to come to a decision about the question of title? If no written statement is filed, the court does not know anything. The court has before it only the map and nothing more than that, and that is not sufficient to enable the court to come to a decision. Therefore, my Lord, I think this amendment does not fall upon that category of cases where it is unnecessary and superfluous. I should think it is necessary."

The motion was then put and lost.

AMENDMENT No. 39.

The Hon'ble Babu Akhil Chandra Datta moved that for clause 5 the following be substituted, namely:—

"(5) If no claimant appears before the Court and files statement of section (2), it shall execute the order according to the procedure prescribed in the Code of Civil Procedure, 1908, for the execution of decrees for the delivery of immovable property.

The Court shall also certify to the Collector its decision, and the Collector shall thereupon make over the profits accruing during the period of attachment to the person stated in such order to be entitled to the land."

He said—

"My Lord, as regards the first portion of the amendment, clause 5 lays down that the Collector shall thereupon put the person stated in such order to be entitled to the land in possession thereof. We know that in the execution department numerous questions arise which the court has got to decide, questions of various sorts, and when the decree-holder applies for delivery of possession, it is sometimes objected to by the judgment-debtor on various

grounds. The question is that when the Collector puts in the successful party in possession, he will decide all these questions. It is a well known fact in this country that all the difficulties begin after the decree is obtained; the more trouble happens to the successful party after he obtains the decree than before. The proceedings after the decree are more intricate and troublesome than in the preceding stage. I do not know whether attention was drawn to this view of the matter in the Select Committee that there are difficulties in the execution department as regards delivery of possession. This much with respect to the first portion of the amendment.

With regard to the second portion of my amendment, I beg to submit that there is provision in this Act for making over othe profits of the property during the interval between the attachment and the final disposal of the reference to the civil court, which remain in the hands of the Collector, but that there is no provision requiring the Collector to make over the profits. Although it is quite understood that the Collector will not certainly make use of the profits, still it seems desirable to have an express provision."

The Hon'ble Mr. Roy said:—

"My Lord, the first portion of the amendment is open to serious objection. The Collector is in this case in possession and cannot be a private party. The amendment will make it necessary to execute a decree passed by a judicial officer against another officer of Government. It is not desirable nor is it contemplated in similar proceedings in law. The procedure is that when a civil court gives its decision, the parties go to the Collector to get possession, or that the civil court gives a certificate and the Collector acts thereupon. The Hon'ble Member has apparently overlooked the fact that the decree will be only a declaratory decree and not a decree for possession and the civil court cannot execute its decree. It may be that complicated questions will arise in execution proceedings, but it will be the duty of the civil court to decide them and give such directions to the Collector as the court thinks fit. That is an answer to the first portion of the amendment.

With regard to the second part, the Hon'ble Member has told us that he is not apprehensive that the Collector will stick to the profits of the *chur*; but the Hon'ble Member desires that some provision should be made somewhere that this should be done. We propose to put in the statutory rules which we are going to frame, that, when the Collector makes over possession, he should make over the profits. I think that will satisfy the Hon'ble Member."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, as regards the second portion of the amendment, if it is done by statutory rules, it will satisfy me, and the object of my amendment will be attained. Therefore, in that view of the matter, I do not press the second portion.

As regards the first portion, there is really no difference between the Hon'ble Mr. Roy and myself. If questions arise in the execution department when delivery of possession is applied for and if these questions are determined by the civil court, and thereafter the Collector is only asked to put the man in possession according to the directions of the civil court, of course I have no objection to that; but the whole question, however, is—is that provided for in the Act at all? If it had been provided for, this amendment would not have been necessary at all, and that is my complaint. What the Hon'ble Mr. Roy says will be done by the civil court is precisely the object of the amendment; but my only complaint is that it is not provided for. Therefore, I would press the first portion of the amendment."

The motion was then put in the following form and lost:—

"5. Whenever the court makes an order under section 4 A, sub-section (2), it shall execute the order according to the procedure prescribed in the Code of Civil Procedure, 1908, for the execution of decrees for the delivery of immovable property."

AMENDMENT No. 40.

The Hon'ble Babu Akhil Chandra Datta moved that for clause 6 the following be substituted namely:—

"6. Costs incurred under section 3 shall not be recoverable from any claimant to the land."

He said—

"My Lord, I must confess that I thought of this amendment after reading the opinion of the Collector of Tippera. He has said:—

'*Clause 6.*—In my opinion this section should be recast. Costs, if levied from the parties at all, should in every instance follow the decision of the Civil Court. In order to prevent a breach of the peace it will often be necessary for the Collector to act promptly, and this he cannot do if he is required to make an accurate assessment of costs, his decision being subject to appeal. It is a matter for consideration whether costs should be recovered at all from the parties. The Bill is essentially one to prevent breaches of the peace, *i.e.*, it is a Police Bill. What is really involved is more the maintenance of public peace than the rights of particular persons over land; and it is reasonable to hold that the public should bear the expense of administration.'

Of course, it is understood that this is not in respect of the costs of the reference before the matter goes before the civil court. Before the case goes to the civil court, certain costs are incurred by the Collector, and this refers to these costs, and these are provisions for the prevention of a breach of the peace. I think the Collector of Tippera is correct when he says that all these costs should be incurred by the public and not by any claimants. It stands exactly on the same footing as the case of the police, who are maintained and required for preventing breaches of the peace. As the pay of the police officers is never levied from the disputing parties, so with regard to these costs, it ought not to be recovered from the claimants. It is a well known fact that a certain party may be fighting, and yet he may be fighting to assert his own just rights. He may be a man more sinned against than sinning. It may be that the man who finally succeeds is the aggrieved party, and if some other party breaks the law, is it just that the party who is finally successful should be saddled with the costs? In that view, I submit that a portion of the costs should be met from the public revenue."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I must oppose this amendment. The costs referred to in this clause are not penal costs, but they are costs for services rendered. The cost under clause 3 will consist ordinarily of the cost of demarcating land with boundary pillars; and it is quite inequitable that Government should be saddled with the cost of demarcating a private estate which had been rendered necessary owing to disputes between rival claimants. Moreover, the Collector is not likely to incur any cost when he is informed that the land has not been recently formed or that there is no dispute. If he finds, on going to the spot that there is no dispute or that the land is not a new formation, he will at once stay his proceedings, and no costs whatever will be incurred; costs will only be incurred if the Collector is acting on correct information, and they will be costs for actual services rendered, *i.e.*, the costs of demarcating the land with boundary pillars."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, I have nothing more to add to my previous remarks."

The motion was then put and lost.

AMENDMENT No. 41.

The following amendment was deemed to be withdrawn:—

The Hon'ble Babu Akhil Chandra Datta to move that for clause 6, the following be substituted, namely:—

"6. Costs incurred under section 4, sub-section (*1*) shall not be recoverable from any claimant to the land."

AMENDMENT No. 42.

The Hon'ble Babu Akhil Chandra Datta moved that after sub-clause (*4*) of clause 7, the following be inserted, namely:—

"(*4a*) to regulate the publication of general notices prescribed by section 4 A, sub-section (*2*)."

He said:—

"My Lord, this is only consequential upon another amendment which the Hon'ble Mr. Roy has accepted with some modification. I refer to No. 28. As provision has been made for issuing general notices to all claimants, I think it is consequential that the rules for the publication of these notices will be framed."

The Hon'ble Sir Charles Stevenson-Moore said:—

"My Lord, I accept this amendment on behalf of Government."

The motion was then put and agreed to.

AMENDMENT No. 43.

The following motion was, by leave of the President, withdrawn:—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that the words "and any such proceedings already commenced and pending in such Court shall be stayed" in lines 5, 6 and 7 of clause 9 be omitted.

LIST OF BUSINESS—ITEM No. 9.

The Hon'ble Sir Charles Stevenson-Moore moved that the Secretary be directed to renumber the clauses and sub-clauses of the Bill in consecutive order and to make corresponding alterations in all cross-references thereto.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 10.

The Hon'ble Sir Charles Stevenson-Moore moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 11.

THE CALCUTTA PORT (AMENDMENT) BILL, 1920.

The Hon'ble Sir Charles Stevenson-Moore presented the Report of the Select Committee on the Calcutta Port (Amendment) Bill, 1920, and moved that the said Report be taken into consideration.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 12.

The Hon'ble Sir Charles Stevenson-Moore moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

He said :—

"My Lord, the Select Committee have made three small alterations. In clause (*1*) they have inserted another sub-clause to provide that the Act will come into operation from such date as may be notified in the *Calcutta Gazette*. This is necessary in order to avoid the inconvenience which would occur if the Act were to come into force before the Chairman and Deputy Chairman had been appointed and were ready to assume charge of their respective offices.

In clause 3, it has been specifically provided that the Port Commissioners shall be consulted by the Local Government before the Chairman of the Trust is appointed by Government. It has been the practice in the past for Government to consult the Port Commissioners before appointing the chief executive officer of the Trust, and it is the intention of Government that that practice should continue when filling up the post of the whole-time Chairman which will be created by this Bill.

Finally, clause 7 has been amended so as to make it clear that the disabilities imposed by section 17 of the Act on elected and nominated Commissioners shall not apply to the Chairman and the Dep[illegible] *ex officio* Commissioners. These disabilities relate to attendance at meetings, the holding of salaried appointments under the Trust and to the participating in the profits of contracts, and they obviously are meant to refer to ordinary Commissioners. The conduct of the Chairman and Deputy Chairman is regulated by other provisions of the Act."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 13.

The Hon'ble Sir Charles Stevenson-Moore moved that the Secretary be directed to renumber the clauses and sub-clauses of the Bill in consecutive order and to make corresponding alterations in all cross-references thereto.

The motion was put and agreed to

LIST OF BUSINESS—ITEM No. 14.

The Hon'ble Sir Charles Stevenson-Moore moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 15.

THE INDIAN RED CROSS SOCIETY (BENGAL BRANCH) BILL, 1920.

The Hon'ble Mr. Watson-Smyth moved that the Report of the Select Committee on the Indian Red Cross Society (Bengal Branch) Bill, 1920, be taken into consideration.

The motion was put and agree[illegible]

) Dis[illegible]

LIST OF BUSINESS—ITEM No. 16.

The Hon'ble Mr. Watson-Smyth moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 17.

The Hon'ble Mr. Watson-Smyth moved that the Secretary be directed to renumber the clauses and sub-clauses of the Bill in consecutive order and to make corresponding alterations in all cross-references thereto.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 18.

The Hon'ble Mr. Watson-Smyth moved that the Bill, as settled in Council, be passed.

The Hon'ble Honorary Lieutenant-Colonel Sarbadhicari said:—

"My Lord, I do not know if I shall be in order in asking for special permission to suggest a few verbal alterations in the Bill which seem to be very necessary. I should have gladly sent in notice of this had it been physically possible for me to do so. But, in the circumstances, all that is left to me is to ask for your Excellency's ruling."

The President said:—

"I am afraid that it is not now possible. The consideration stage of the Bill has already passed, and it is now only open to Hon'ble Members to speak on general questions and not on points of detail."

The motion was then put and agreed to.

THE PRESIDENT'S ADDRESS.

The President said:—

"Gentlemen,—This is, in all probability, the last meeting of the Bengal Legislative Council as at present constituted, and with its adjournment to-day we bring to a close a definite chapter in the political history of Bengal. That chapter began with the introduction of the constitution known as the Minto-Morley Reform scheme a decade ago—a scheme which with all its limitations has served a useful political purpose in that it has opened the door of the Executive Council Chamber to the people of India, and has invited the co-operation of a number of Indian gentlemen, elected by definite in somewhat circumscribed constituencies, in the discussion of matters of public interest and in the framing of the laws of the land. It has been a frequent criticism of the Legislative Councils under the Minto-Morley constitution that they are little more than debating societies and that they have not in them the potentiality of anything else. No doubt their constitution is such that they could have been so treated by Government, had Government so desired. And if the bureaucracy had in reality borne any resemblance to the portraits of it with which the platform and the press have rendered us familiar, the Legislative Councils would no doubt have pursued from start to finish a purposeless and futile course through a tangled and impenetrable forest of mere verbiage. Happily the delineations of the bureaucracy to which I have referred are not portraits but caricatures; and a mere perusal of the closing pages of the chapter which is just coming to an end will serve to show that in Bengal, at any rate, the Legislative Council has no reason to be ashamed of the record which it has achieved.

The President.

The present Council was elected in the summer of 1916, some nine months before I myself came to Bengal, and it has been in existence, therefore, during the whole of my tenure of office For the first few months of its existence in 1916 it showed little activity. No legislation was passed, only 199 questions were asked and 17 resolutions discussed. From 1917 onwards, however, it has been much more active; and during the past three years and-a-half it has asked 2,232 separate questions, it has discussed 651 resolutions and it has placed 21 measures upon the statute-book. It may not, perhaps, be known to Hon'ble Members that it has devolved upon me, as head of the administration, to examine personally and give my sanction to every answer that has been given to a question asked in this Council—a duty which, if somewhat laborious, I have at least found instructive. Of the 651 resolutions which have been discussed, I need say little except that it would be difficult to think of a subject in the whole range of administration which has not come under the microscope—and to pursue the metaphor—the surgeon's knife during its examination in this Chamber The constructive output of the Council is represented by its 21 legislative enactments. Its first legislative effort was the Calcutta Municipal Amendment Act of 1917 a measure designed to meet a sudden emergency and framed, consequently, and passed with somewhat unaccustomed rapidity. A deputation waited upon me on a Saturday and laid before me the serious situation which had arisen as a result of the sale in Calcutta of impure ghee. I promised that if I had the unanimous support of the Legislative Council, I would take immediate action. I received the assurance for which I asked, and the Calcutta Municipal Act Amendment Bill was introduced on the following Tuesday and became law the same day. Some of those who had been urging the Government to be up and doing, were somewhat staggered to find almost before they realized it, that they had been taken at their word, and from urging the Government to shake itself free of the lethargy which they apparently regarded as an inherent attribute of all Governments, turned to abuse it for its reckless haste. As one newspaper put it—'It is notorious that what people generally have to complain of is the length of time it takes to get any measure of relief passed. Here the relief was demanded on Saturday by the deputation, and by Tuesday afternoon the goods—that is the relief—were on the counter. Surely there is lively Government for you!' And its comment was that most records in legislation—while-you-wait had been broken and yet people were not satisfied! No one pretends that the Act provided a perfect remedy, but that it has been of considerable effect is clear from the following figures showing the steady reduction in the percentage of adulterated samples as tested in the Corporation laboratory: in 1917, ghee 23 per cent. and sweetmeats 43·6 per cent.; 1918, ghee 14·7 per cent. and sweetmeats 39 per cent.; 1919, ghee 9·2 per cent. and sweetmeats 16 per cent. This small emergent measure was followed in 1919 by a much more comprehensive measure for dealing with the adulteration of food in the Presidency generally outside Calcuta, under the title of the Bengal Food Adulteration Act. A great deal of preliminary work has had to be done before this Act could become operative. We have had considerable correspondence in connection with the appointment of a Public Analyst under the Act, and I hope that this appointment will shortly now be made. Notifications bringing the Act into operation and declaring the normal constituents of food are practically ready and will be published in an early issue of the *Calcutta Gazette*. I have great hopes that this measure will become an effective item in the general programme of Government schemes for improving the health of the people.

In 1918, five measures reached the statute book—

(1) The Bengal Public Demands Recovery (Amendment) Act;

(2) The Bengal Tenancy Amendment Act;

(3) The Bengal (Aliens) Disqualification Act;

The President.

(4) The Serampore College Act; and

(5) The Chittagong Port (Amendment) Act.

Of these the last three call for no comment. The Public Demands Recovery Act was designed to assist the co-operative movement by providing for the recovery of the dues of societies under liquidation by means of the certificate procedure. I am glad to say that the Act has proved of considerable asistance, the Registrar of Co-operative Societies having reported that during the first ten months of its operation the collection of such dues amounted to four times as much as the whole collection in all the year before the procedure was introduced. The Tenancy Act of 1918 was a piece of patriarchal legislation designed to protect the unsophisticated and thriftless cultivators of certain aboriginal tribes against themselves. Its effect; is to prevent their lands from passing into other hands. And from the Sonthals of Birbhum, Bankura and Midnapore to whom it was applied in the first instance, it has been extended to the Bhumijes of Bankura, the Mughs in parts of the Sundarbans, the Oraons and Sonthals of Rangpur, and the Mundas, Oraons and Sonthals of Dinajpur.

The year 1919 was marked by the passing of seven Acts. The long overdue Calcutta Hackney Carriage Act became law, and a further amendment of the Bengal Tenancy Act, designed to protect tenants from unauthorized exactions in connection with the collection of cesses, was effected. A small measure dealing with discipline in the police force was passed, besides the Bengal Food Adulteration Act to which I have already referred The year was also memorable for the passage of two Bills dealing with matters of general public interest which originated with private members. These were the Juvenile Smoking Bill introduced by the Hon'ble Dr. Suhrawardy and the Primary Education Bill introduced by the Hon'ble Babu Surendra Nath Ray. The first of these two Acts applied in the first instance to Calcutta, but early this year was extended to Chittagong at the request of the Municipal Commissioners. The reports which have reached me as to its working do not suggest that much use has hitherto been made of its provisions The Primary Education Act, which underwent considerable changes during its passage through this Council, provides for a call for returns from municipalities showing the present position with regard to the provision of facilities for elementary education and the requirements necessary to bring such facilities up to a specified standard. These returns have been called for, but have not in all cases been received. It is clear from the returns that have been received that the municipalities hesitate to face the expenditure which is required. Nevertheless we are most anxious that an advance should be made, and we have placed an officer on special duty to draw up a programme for the expansion of primary education in each Municipal and District Board area. It will be part of his duty to scrutinize the returns made under the Act and to visit each area with a view to working out detailed proposals for expansion. By so doing, we hope to prepare a practical programme for the consideration of the future Minister of Education. But by far the most important of the Acts passed in 1919 was the Village Self-Government Act, constituting a broad foundation upon which the whole complicated structure of popular self-government will by degrees be built up. I have had other opportunities of describing the nature of the work already being done by Union Boards constituted under the Act—notably at the Panchayati Conference recently held at Dacca; and I have not the time to enlarge upon this subject now. Suffice it to say that the Act which has been in force little more than a year has already been extended to 21 districts and the formation of 1,444 Boards has been sanctioned. This number will be very largely increased in the near future. when considerable schemes now under consideration in various districts have been worked out; and we are impressing upon local officers and District Boards our desire to see the adoption of a forward policy in this direction.

The President.

Finally, I come to the legislation of the present year. The Cruelty to Animals Act tightens up control and enables a great deal more to be done than has hitherto been attempted. At a meeting of representatives of the Veterinary, Revenue and Municipal Departments, the Calcutta Corporation and the Police, a scheme has been approved for giving effect to its provisions in Calcutta and the Suburbs, as a result of which we may look forward to great improvement in the treatment of animals. The Eastern Frontier Rifles Act deals with the status of the Bengal Military Police;, and the Calcutta Pilots Amendment Act merely abolishes the ancient system of punishment by fine which had been instituted so long ago as 1859. The Calcutta Rent Act, I need hardly remind the Council, was passed as a temporary, but very necessary, measure to meet the problem of prohibitive rents which was rapidly assuming alarming proportions. Up to the end of July 850 applications had been received for fixing standard rent, while 1,100 applications for deposit of rents had been filed before the Controller, no less than Rs. 1,76,494 having been deposited, with these applications. I have noticed that there has been a tendency in some quarters to argue that if the rent of houses can be fixed, the prices of articles such as rice and cloth can be fixed with equal advantage The fundamental difference between the two, though sufficiently obvious, seems to have escaped the notice of those who argue in this way, namely, the immovable nature of house property as compared with the extreme mobility of commodities such as rice and cloth If you fix the rent of a man's house, he cannot pack it up and despatch it to another part of the country where no Rent Act is in force; whereas nothing is easier than to send rice and cloth to those parts of the country where they fetch the highest price. Conversely while you can import additional quantities of such articles as rice as we have done from Burma, for example, you cannot import ready-made houses. The fact that such arguments should have been made use of by persons otherwise intelligent, induces somewhat gloomy reflections in one's mind as to the nature of the political economy taught in the educational institutions of Bengal, reflections which I respectfully commend to the thoughtful attention of the Director of Public Instruction and the Vice-Chancellor of the Calcutta University.

But while you cannot import houses as you import rice or cloth, you can, if given reasonable time and a sufficiency of bricks, a by no means unimportant proviso at the present time - build them. It may be of interest to residents in Calcutta to know that the Bengal Government have drawn up plans for building residences for high officials, including the Chief Justice, the Commissioner of the Presidency Division and the Collector of Calcutta, and in addition a number of flats for Government officials of all classes. Our scheme includes some 50 flats of three different types containing an aggregate of 140 bed-rooms. A scheme of this magnitude requires the sanction of the Secretary of State; but so far as we are concerned we are ready to start work as soon as we receive permission.

Lastly, there are the Bills which the Council has passed to-day, the Indian Red Cross Bill, establishing a Red Cross Society for Bengal; the Calcutta Port Bill providing for a paid whole-time Chairman of the Port Commissioners; the Alluvial Lands Bill and the Agricultural and Sanitary Improvement Bill. The first of these last two will, I hope, prevent the disturbances which take place so frequently, when alluvial land is formed by the action of the rivers. The latter is a measure to which I attach the utmost importance. It will facilitate enormously the construction of drainage and other works for the improvement of agricultural and sanitary conditions. A novel feature is that it provides for the execution of such works when initiated by private individuals or by bodies of agriculturists registered under the Co-operative Societies Act. Above all it will, I hope, provide a short cut across the Serbonian bog of procrastination which has closed in upon me and against which I have struggled in impotent exaspera-

The President.

of anti-malarial schemes which has already been drawn up in detail, and which could be taken in hand to-morrow to the full extent of the engineering staff available, were we not perpetually baffled by the law's delays.

Such, in brief, is the legislative output of the Council whose labours have been brought to a close to-day. It is, perhaps, not out of place that I should mention that we have a number of legislative projects of considerable importance in various stages of preparation which in the ordinary course would have been submitted to this Council, but which under the impending changes will, I hope, be taken up by the new Government in due course and submitted to the reformed legislature. These include a Children's Bill on the lines of the English Act of 1908, but applicable to boys only; a comprehensive Public Health Bill upon the framing of which a great deal of valuable work has been done; a Port Sanitation Bill providing for a port health authority to co-ordinate the sanitary control of the port and other areas adjoining the Hooghly river and to protect the port against any possibility of the introduction of Yellow Fever; a Calcutta Municipal Amendment Bill providing for administrative reforms outside the field of political controversy; a Bengal Municipal Bill amending the law relating to municipalities outside Calcutta; a Bengal Town Planning Bill; a Bill to amend the Calcutta Improvement Trust Act; and a measure for dealing with mendicancy. Nearly the whole of these measures appertains to subjects which will be transferred to a popular ministry under the Reform Scheme, and the immense amount of thought and labour which has been devoted to them will, I hope and believe, prove of immense assistance to the future ministers, in marking out and making smooth the legislative path along which they will desire to travel.

This mere enumeration will of itself help to give some idea of the extent to which the Government of the country is about to be entrusted to the representatives of the people. We sometimes hear it stated that the reforms are not worth having. Well, there is no compulsion upon anyone to take part in them against his own wishes. Let those who think that they are not worth having stand aside. There are even some who seem to think that they can wreck the Reform Scheme. I think that such persons have an altogether exaggerated idea of their own importance I believe that the time is not far off when they will discover that they are but flies upon the wheel of the chariot of political progress, which they are powerless either to wreck or to stay upon its onward course. But I have far too high an opinion of the intelligence and good sense of the people of Bengal to see in such an attitude in so far as it may have been adopted by anyone in Bengal, any thing more than a political pose. The educated classes in Bengal are far too astute not to realize the far-reaching nature of the changes which are being made. And they know in their hearts that what is being offered them in the letter and in the spirit is full and more than full partnership in the Government of the country. I could give example after example to prove that to the hilt; but let one suffice since it is in itself conclusive.

Whatever be the final decision as to the constitution of the coming Government of Bengal—and upon that point I am not at this moment prepared to make any statement—but whatever it be, you may rest assured that apart from the Governor, the Indian element in the Government will preponderate over the European element at the least by two to one. Comment is altogether superfluous. And so far as the Governor is concerned, the recent appointment in Bihar has demonstrated conclusively that race has ceased to be a factor in his selection. Is this not an offer of full partnership in the spirit as well as in the letter? And in her heart of hearts is not Bengal proud to think that just as a short decade ago she led the way by giving to the Government of India its first Indian member, so now again she stands in the forefront of the advance in that it is upon one of her own most eminent sons that the honour of being the first Indian Governor of a British Indian

The President.

We offer our hearty congratulations to Lord Sinha upon this well-merited distinction, and we tender him our sincere good wishes for his future prosperity and success. And may I not add that his appointment is also symbolical and that we see in it a beacon light beckoning us away from the brink of the precipice of antagonism and distrust over which there are those who would hurl us, and guiding us towards the fair way of mutual trust and co-operation by which road alone can this country hope to reach the goal that already stands out clear upon the horizon, limned in sharp outline against the brightening dawn of a new day?

This is the last time that I shall have the pleasure of presiding over the legislature in Bengal. It is with no little regret that I yield the presidential chair to others. And I should be guilty of gross ingratitude, if, before doing so, I did not express to every member of this Council my sincere appreciation of the ungrudging support which they have invariably accorded to me, and of the contribution which all have made to the success of our deliberations. In bidding you my last farewell, as your President, I wish you, one and all, God speed, and a worthy part in the story of your country throughout the spacious days of hope and promise that lie before you.

ADJOURNMENT.

The Council was then adjourned *sine die*.

K. N. MAJUMDAR.
Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council.(offg

CALCUTTA,
The 12th September 1920.

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